



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

P.O. Box 712
Trenton, NJ 08625-0712

CHRIS CHRISTIE
Governor

ELIZABETH CONNOLLY
Acting Commissioner

KIM GUADAGNO
Lt. Governor

MEGHAN DAVEY
Director

STATE OF NEW JERSEY
DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES

T.S.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

ESSEX COUNTY BOARD OF

SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

ORDER OF RETURN

OAL DKT. NO. HMA 5476-2017

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision, the OAL case file and the documents filed below. Neither party filed exceptions in this matter. Procedurally, the time period for the Agency Head to file a Final Decision is August 31, 2017, in accordance with an Order of Extension.

The matter arises regarding the denial Petitioner's February 7, 2017 Medicaid application due to excess resources. At issue is the balance of two of Petitioner's bank accounts. One contains \$40,021.92 and the other contains \$23,167.87. Medicaid's

resource standard is \$2,000. Petitioner claims that these two accounts represent the balance of \$76,309.80 she received in November 2016 for retroactive Social Security Disability (SSD) benefits. ID at 2. Petitioner currently receives \$1,430 a month in SSD benefits.


Resources stemming from back payments of Social Security benefits are excluded for a period of nine months. Even if the funds in the bank accounts are attributable to the SSD payment, Petitioner's income exceeds the standard for Medicaid Only and New Jersey Care . . . Special Medicaid Programs. Her only avenue to Medicaid benefits with \$1,430 in income is under Long Term Services and Supports (LTSS) that permits income up to \$2,205. The record contains no indication if she was found clinically eligible so as to use the higher income limit. Moreover, she is subject to a five year look back period to ascertain any transfers of assets. Thus, I hereby ADOPT the Initial Decision to the extent that the funds in the two identified bank accounts are excluded until August 2017 and RETURN the matter to Essex County to determine Petitioner's eligibility with the exclusion of the bank accounts.

THEREFORE, it is on this ^{14th} day of AUGUST 2017,

ORDERED:

That the Initial Decision is hereby ADOPTED in so far that Petitioner should not have been denied due to excess resources; and

That the matter is RETURNED to Essex County to complete its review of Petitioner's application.


Meghan Davey, Director
Division of Medical Assistance
and Health Services