




This matter concerns the denial of Petitioner's request for Pre-Eligibility Medicaid Expenses (PEME) to be applied to his post-eligibility income. Petitioner is entitled to have the three months prior to the Medicaid application covered either through a finding that he was eligible for those three months or permit certain medical expenses incurred in that same three month period be paid out his post-eligibility income. See N.J.A.C. 10:71-5.7(k), 42 U.S.C. § 1396a(a)(34) and Medicaid Communication Nos. 10-0711-06, 17-10 and 18-10. Petitioner, who had entered the nursing home in November 2018 and applied in June 2019, was found eligible as of June 1, 2019. During the look back period, Union County identified two asset transfers was were not for fair market value. The first transfer was the withdrawal of \$3,000 in May 2018. The second transfer was done in March 2019, while Petitioner was in the nursing facility, for the amount of \$6,680.06. Petitioner does not contest the eligibility date or the penalty period of 26 days.

In July 2019, the nursing home where Petitioner resides sought PEME for March, April and May 2019. That request was denied due to the imposition of the penalty period. The Initial Decision upholds the denial and I concur. The regulation and the Medicaid Communications around PEME provide the basis for the denial. In fact, in one of the months he is seeking PEME, Petitioner transferred \$6,680.06 rather than paying his nursing home bill. Thus, for the reasons set forth in the decision below, I hereby ADOPT the Initial Decision.

THEREFORE, it is on this 17<sup>th</sup> day of MAY 2020,

ORDERED:

That the Initial Decision is hereby ADOPTED.

  
Jennifer Langer Jacobs, Assistant Commissioner  
Division of Medical Assistance  
and Health Services