



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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Governor

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Lt. Governor

SARAH ADELMAN
Acting Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

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

B.R.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

MORRIS COUNTY BOARD OF

SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 17031-2019

As Assistant Commissioner for 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 to the Initial Decision in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is April 12, 2021 in accordance with an Order of Extension.

The matter arises regarding the August 7, 2019 denial of Petitioner's Medicaid application filed in May 2019. Morris County Office of Temporary Assistance denied the case due to the failure to provide information including financial transactions.

The Initial Decision upheld the denial. I agree with the assessment that Petitioner's marriage document need not be produced as their home country racked by civil war. However, it is the documents that relate to their finances in the United States that are critical to the Medicaid eligibility determination.

The financial information of the couple is reviewed for two main purposes. Under spousal impoverishment provisions, when one spouse is institutionalized and the other continues to live in the community, Medicaid regulations permit the community spouse to retain a specific amount of assets or resources. All of the couple's resources at the time of institutionalization are considered and half of the total value of those assets is considered the community spouse resource allowance (CSRA). N.J.A.C. 10:71-4.8. See also 42 U.S.C. § 1396r-5(c)(1)(A).

Additionally, when an individual is seeking benefits which require meeting an institutional level of care, any transfers of resources are scrutinized. Under the regulations, "[i]f an individual . . . (including any person acting with power of attorney or as a guardian for such individual) has sold, given away, or otherwise transferred any assets (including any interest in an asset or future rights to an asset) within the look-back period" a transfer penalty of ineligibility is assessed. N.J.A.C. 10:71-4.10 (c). Individuals who transfer or dispose of resources for less than fair market value during or after the start of the sixty-month lookback period before the individual becomes institutionalized or

applies for Medicaid as an institutionalized individual, are penalized for making the transfer. 42 U.S.C.A. § 1396p(c)(1); N.J.A.C. 10:71-4.10(m)(1).

Here Morris County requested various verifications of the couple's assets including some accounts not identified on the application. There were also questions about large withdrawals and deposits and the annuity the community spouse purchased. The record reflects that Petitioner presented no documents or witnesses at the hearing to counter the denial. As such, I hereby ADOPT the Initial Decision.

THEREFORE, it is on this ^{23rd} day of MARCH 2021,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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