

Based upon my review of the record, I hereby ADOPT the Initial Decision in its entirety and incorporate the same by reference. This matter arises from the Middlesex County Board of Social Services' (MCBSS) July 24, 2019 determination that Petitioner was eligible for Medicaid benefits effective July 1, 2019.

On March 28, 2019, Petitioner applied for Medicaid benefits.¹ Petitioner's spouse submitted a Medicaid application that same day. At the time of application, both Petitioner and her husband were residing in nursing facilities, albeit different facilities, and both were assisted by an authorized representative from Senior Planning Services. As of March 1, 2019, Petitioner held a joint bank account with her husband that had a balance of \$8,197.33. The account balance still exceeded \$3,000 in April, May and June 2019. As of July 1, 2019, the account had a balance of \$1,952.80.

Petitioner is seeking to have the eligibility standard disregarded by asking that MCBSS ignore her resources until some future date while her husband used the couple's resources for his own care. However, absent compliance with the standards set forth in the federal and state Medicaid law, eligibility cannot exist. Indeed, participation in the Medicaid program will be denied if the resources of a couple exceed \$3,000 as of the first moment of the first day of the month. N.J.A.C. 10:71-4.1(e) and N.J.A.C. 10:71-4.5(b). There is no dispute that the joint countable resources of the Petitioner, as reflected in the joint bank account, exceeded the statutory limit of \$3,000 through June 2019. As a result, Petitioner was not eligible for Medicaid benefits until July 1, 2019, which is the first day of the first month in which her countable resources fell below \$3,000. There is simply no provision in the regulations which would permit a relaxation of the eligibility date so long as the countable resources exceed the maximum limit.

¹ Petitioner had previously applied for Medicaid benefits in January 2019. That application was denied for failure to provide information necessary to determine eligibility.

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

ORDERED:

That the Initial Decision is hereby ADOPTED.



Jennifer Langer Jacobs, Assitant Commissioner
Division of Medical Assistance
And Health Services.