



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

A.S.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

MONMOUTH COUNTY BOARD

OF SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 13504-16

As Director of the Division of Medical Assistance and Health Services, I
have reviewed the record in this matter, consisting of the Initial Decision, the
documents in evidence and the entire contents of the OAL case file. No

exceptions to the Initial Decision were filed. Procedurally, the time period for the Agency Head to file a Final Agency Decision is February 23, 2017 in accordance with an Order of Extension. The Initial Decision was received on November 25, 2015.

Based upon my review of the record, I hereby ADOPT the Administrative Law Judge's recommended decision because it is in accordance with the Medicaid regulations governing resource eligibility. N.J.A.C. 10:71-4.1 et. seq. Specifically, participation in the Medicaid program will be denied if the resources of an individual exceed \$2000 as of the first moment of the first day of the month. N.J.A.C. 10:71-4.5. Petitioner applied for Medicaid benefits on February 2, 2016 and was found eligible as of September 1, 2016 but requested retroactive eligibility for the months of February through May 2016.¹

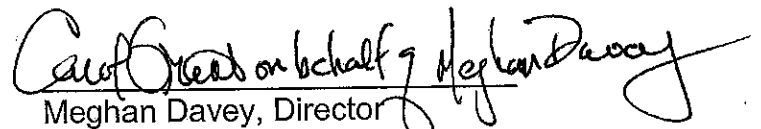
I FIND that Petitioner has not met the criteria for establishing retroactive eligibility for the months of February through May 2016. Retroactive benefits are only available when the applicant would have been financially eligible in the three months prior to the application. N.J.A.C. 10:49-2.9(b). Since the funds in Petitioner's bank account clearly exceeded the Medicaid resource limit for the month preceding her Medicaid application, she is ineligible for retroactive benefits. There is simply no provision in the regulations which permits a relaxation of the eligibility date so long as the countable resources exceed the maximum limit.

THEREFORE, it is on this 3rd day of FEBRUARY 2017,

¹ I note that Petitioner may be entitled to a deduction for her Pre-Eligibility Medical Expenses (PEME) for non-reimbursable and necessary medical expenses that occurred in the three months

ORDERED:

That the Initial Decision is hereby ADOPTED.


Meghan Davey, Director
Division of Medical Assistance
and Health Services