



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

CHRIS CHRISTIE
Governor

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

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**

K.B.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES AND
MIDDLESEX COUNTY BOARD OF
SOCIAL SERVICES,
RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 9839-2016

and HMA 17985-2016

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. ~~Petitioner filed exceptions in this matter. Procedurally, the time period for the Agency Head to file a Final Agency Decision in this matter is May 4, 2017 in accordance with an Order of Extension.~~

The matter arises regarding the June 7, 2016 denial of Petitioner's Medicaid application and the subsequent application that established eligibility as of October 1, 2016. The matters were consolidated and a joint stipulation of facts was submitted. J-1.

Petitioner through family members and an attorney had filed four Medicaid applications. Applications 1-4 were denied for excess resources and failure to provide documentation needed to determine eligibility. The first three applications were not appealed. During the fifth application, Middlesex County was able to determine eligibility as of October 1, 2016. Petitioner is seeking to reverse the denial of the fourth application or, in the alternative, to change the approval date of the fifth application.

In challenging the fourth application, the attorney for the nursing home claimed that, in August 2016, Middlesex County agreed reopen the fourth application so she could submit the missing verifications in exchange for an adjournment of a hearing date. The Initial Decision rightly found this claim to be "odd" and "rather one sided." ID at 5. The missing information in the fourth application was repeatedly requested and the final request, dated April 26, 2016, went unanswered. ID at 3-4. No extensions of time were requested from Petitioner's prior counsel. The Initial Decision concluded that the attorney did provide the information in September 2016 but in conjunction with the fifth application. As such the fourth application was properly denied.

With regard to the fifth application, the issue was language in the Qualified Income Trust (QIT). I agree with the ALJ that the QIT was properly set up and funded as of August 1, 2016. In exceptions Petitioner argues that he is entitled to retroactive benefits based on the Initial Decision. However, that issue was specifically addressed in the Initial Decision with instruction for the parties to determine if Petitioner was

eligible pursuant to N.J.A.C. 10:71-2.16 or entitled to a deduction for his Pre-Eligibility Medical Expenses (PEME) that occurred during those same three months. The Initial Decision specifically made no finding on this issue and I FIND no basis in the record to determine whether Petitioner is eligible for retroactive benefits or for PEME.

THEREFORE, it is on this ^{1st} day of MAY 2017

ORDERED:

That the Initial Decision is hereby ADOPTED.


Meghan Davey, Director
Division of Medical Assistance
and Health Services