



The Initial Decision found that Petitioner's application was properly denied as there was no estate set up until November 2018 at which time the three month retroactive eligibility period would not be available prior to Petitioner's death. For the reasons that follow, I hereby REVERSE the Initial Decision as subsequent actions regarding her clinical eligibility appear to permit her to be considered for nursing home benefits and RETURN the matter to Passaic County to determine if retroactive eligibility can be established.

Based on my review of the record, Petitioner's clinical eligibility was entered after Passaic County had denied the case. This determination would permit Passaic County to use the higher income level, as her reported income was \$1,300, and potentially find Petitioner eligible. While Petitioner was not permitted to file an application as a Designated Authorized Representative pursuant to a Power of Attorney that expired on her death, the subsequent authorization by the estate would permit the application to proceed. Thus, I hereby RETURN the matter to Passaic County for completion of the application as set forth above.

THEREFORE, it is on this <sup>23rd</sup> day of MAY 2019,

ORDERED:

That the Initial Decision is hereby REVERSED; and

That the matter is RETURNED to Passaic County to finalize the application.

  
Meghan Davey, Director  
Division of Medical Assistance  
and Health Services