

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER Lt. Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
PO Box 712
Trenton, NJ 08625-0712

CAROLE JOHNSON

Commissioner

MEGHAN DAVEY

Director

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

A.Z.,

PETITIONER,

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DIVISION OF MEDICAL ASSISTANCE:

AND HEALTH SERVICES AND

PASSAIC COUNTY BOARD OF

SOCIAL SERVICES.

RESPONDENTS.

**ADMINISTRATIVE ACTION** 

ORDER OF RETURN

OAL DKT. NO. HMA 17191-2018

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. Neither party filed exceptions in this matter. Procedurally, the time period for the Agency Head to file a Final Agency Decision in this matter is May 23, 2019 in accordance with an Order of Extension.

The matter arises regarding Petitioner's August 2018 application for Medicaid benefits. Petitioner died in July 2018. Passaic County denied the case on October 1, 2018 due to her death prior to an "institutional Medicaid eligibility determination". At that time Petitioner had not been found clinically eligibility for Medicaid benefits.

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

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