



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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SHEILA Y. OLIVER
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CAROLE JOHNSON
Commissioner

MEGHAN DAVEY
Director

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

C.P.,

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 15687-2018

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 contents of the OAL case file. Petitioner filed exceptions in this matter. Procedurally, the time period for the Agency Head to file a Final Decision is May 30, 2019 in accordance with and Order of Extension.

This matter concerns the denial of Petitioner's Medicaid application due to the failure to provide information regarding her assets, including the source of several large

deposits and transfers from her accounts. This is Petitioner's third Medicaid application which was filed on June 25, 2018. On July 11, 2019 Monmouth County requested statements from a 401K account held by Fidelity as well as sources of one deposit to her TD bank account and eight deposits into her Bank of America account. ID at 2. If the deposits came from another unreported account, Petitioner would need to submit five years of statements from that account. Additionally, Monmouth County sought information regarding twenty-seven withdrawals from the TD account. The deadline was July 27, 2018.

Petitioner did not meet the deadline but provided a letter on August 15, 2018 stating she did not recall what happened to the withdrawn funds and that she did not have her ATM card when she was admitted to the facility. Two days later she provided a statement from her 401K account that showed a zero balance on April 26, 2013. No other information was provided about the large deposits to her accounts. Monmouth County denied the application by letter dated October 16, 2018.

The Initial Decision upholds the denial and I concur. Both the County Welfare Agency (CWA) and the applicant have responsibilities with regard to the application process. N.J.A.C. 10:71-2.2. Applicants must complete any forms required by the CWA; assist the CWA in securing evidence that corroborates his or her statements; and promptly report any change affecting his or her circumstance. N.J.A.C. 10:71-2.2(e). The CWA exercises direct responsibility in the application process to inform applicants about the process, eligibility requirements and their right to a fair hearing; receive applications; assist applicants in exploring their eligibility; make known the appropriate resources and services; assure the prompt accurate submission of data; and promptly notify applicants of eligibility or ineligibility. N.J.A.C. 10:71-2.2(c) and (d). CWAs must determine eligibility for Aged cases within 45 days and Blind and Disabled cases within 90 days. N.J.A.C. 10:71-2.3(a); MedCom No. 10-09, and Fed. Reg. 42 CFR § 435.91. The time frame may be extended

when “documented exceptional circumstances arise” preventing the processing of the application within the prescribed time limits. N.J.A.C. 10:71-2.3(c).

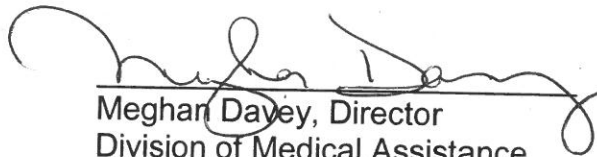
Petitioner, through counsel representing the nursing home, argued that Monmouth County failed to assist her in the application process. The ALJ found this to be without merit. ID at 6. There was insufficient evidence that Petitioner provided what was in her possession. To the extent that the transfers were in fact theft by her now-deceased daughter, Petitioner has all but ignored the questions about the large deposits to her accounts. Petitioner did not testify at the hearing nor does the certification from her DAR address the source of these deposits. See P-8. Petitioner’s claim that the 401K was closed as of April 2013 after withdrawing \$106,378.28 is belied by the seven checks from the Fidelity account were deposited in her Bank of America account between July 2013 and January 2014 for a total of \$73,000. P-4. Likewise there is no explanation as to the source of the \$61,363.80 check deposited into the Bank of America account on January 18, 2017.

In exceptions Petitioner argues that the denial should be rescinded and a penalty assessed for the funds allegedly stolen by her daughter. She also claims the questions about the Fidelity account “should have been resolved through effective communication with the applicant.” Kathy Durney, Petitioner’s DAR, claims to have spoken with Petitioner regarding the missing information but nothing was ever developed regarding the large sums of money from a Fidelity account or accounts. P-6. Rather the crux of Petitioner’s arguments revolves around the ATM transfers that occurred after Petitioner entered the facility. Petitioner must be otherwise eligible In order to assess the penalty. The bank accounts Monmouth County was able to access show that \$73,000 was transferred from a Fidelity account three months after Petitioner claims it was closed. Despite the clear instructions to provide written proof Petitioner has provided no information about the source of these funds or about the source of the \$61,363.80 check deposited into the Bank of America account on January 18, 2017. P-2.

THEREFORE, it is on this 21st day of MAY 2019,

ORDERED:

That the Initial Decision is hereby ADOPTED.

A handwritten signature in black ink, appearing to read "Meghan Davey", is written over a horizontal line.

Meghan Davey, Director
Division of Medical Assistance
and Health Services