

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

C.Y.,

PETITIONER,

V

DIVISION OF MEDICAL ASSISTANCE:

AND HEALTH SERVICES AND

CAMDEN COUNTY BOARD OF

SOCIAL SERVICES,

RESPONDENTS.

**ADMINISTRATIVE ACTION** 

**FINAL AGENCY DECISION** 

OAL DKT. NO. HMA 16183-2018

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. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to file a Final Decision is March 18, 2019 in accordance with N.J.S.A. 52:14B-10 which requires an Agency Head to adopt, reject, or modify the Initial Decision within 45 days of receipt. The Initial Decision was received on February 1, 2019.

This matter arises from the Medicaid eligibility date. Petitioner applied for Medicaid in June 2018. In order to qualify for Medicaid her gross income would have to be \$1,012 or less under the New Jersey Care . . . Special Medicaid Program. However, Petitioner's gross income of \$1,571 renders her ineligible. Petitioner's only path to eligibility for Medicaid benefits is under the Long-Term Care Services and Supports (LTSS) program that permits the use of a higher income level - 300 percent of the SSI benefit amount. In order for eligibility to be granted at this higher income level, nursing level of care must be necessary. See 42 CFR § 435.236 and 42 CFR § 435.1005. That level of care requires that a pre-admission screening (PAS) be completed by "professional staff designated by the Department, based on a comprehensive needs assessment which demonstrates that the recipient requires, at a minimum, the basic NF services described in N.J.A.C. 8:85-2.2."

N.J.A.C. 8:85-2.1(a). See also, N.J.S.A. 30:4D-17.10, et seq. This must be done prior to receipt of benefits so as not to create a Medicaid program in the community using the higher income level.

Petitioner was found to be clinically eligible as of August 1, 2018. However, due to her hospitalization in July 2018, Petitioner was found to meet clinical eligibility as of July 1, 2018. This is the earliest date Petitioner could be found eligible due to her income. As such, I hereby ADOPT the Initial Decision.

THEREFORE, it is on this May of MARCH 2019.

ORDERED:

That the Initial Decision is hereby ADOPTED.

Meghan Davey, Director

Division of Medical Assistance

and Health Services