



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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TRENTON, NJ 08625-0712

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CAROLE JOHNSON
Commissioner

MEGHAN DAVEY
Director

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

M.M.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE :

AND HEALTH SERVICES AND :

MORRIS COUNTY BOARD OF :

SOCIAL SERVICES, :

RESPONDENTS. :

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 16983-2018

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. Procedurally, the time period for the Agency Head to file a Final Decision is May 16, 2019 in accordance with an Order of Extension

The matter arises regarding the denial of Petitioner's Medicaid benefits due to excess income. Morris County found that, due the death of her husband, Petitioner now received \$1,681 in Social Security benefits. The income limit is \$1,012. The Initial Decision upheld the termination.

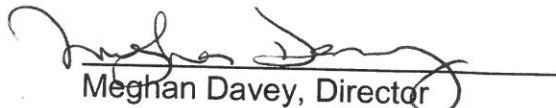
It appears Petitioner's brother had handled her affairs. Due to his personal issues, her sister was now helping. ID at 2. Her testimony that Petitioner has a case manager is curious as that service is available to individuals receiving services through a waived program. I am taking agency notice that Petitioner has a program code that indicates she was receiving those waived services. Those services require that Petitioner need a higher level of care which in turn permits a higher income standard that Petitioner would meet. 42 U.S.C. §1396a(a)(10)(A)(ii) (V). See also 42 C.F.R. § 435.1005 ("For recipients in institutions whose Medicaid eligibility is based on a special income standard ... FFP is available in expenditures for services provided to those individuals only if their income before deductions does not exceed 300 percent of the SSI benefit amount...."). In 2018 that amount was \$2,250. Thus, I hereby REVERSE the Initial Decision and RETURN the matter to Morris County to process her application using the higher income standard.

THEREFORE, it is on this ^{5th} day of MAY 2019,

ORDERED:

That the Initial Decision is hereby REVERSED; and

That the matter is RETURNED to Morris County to process Petitioner's application.


Meghan Davey, Director
Division of Medical Assistance
and Health Services