



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

PO Box 712

TRENTON, NJ 08625-0712

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CAROLE JOHNSON
Commissioner

CAROL GRANT
Acting Director

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

M.R.,

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 2125-2019

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 Agency Decision in this matter is July 5, 2019 in accordance with an Order of Extension.

The matter arises regarding the termination of Petitioner's Medicaid benefits due to excess resources in her Personal Needs Allowance (PNA) account at the assisted living where she resides. At redetermination, it was discovered that her resources

including her PNA account totaled \$3,290.50 in excess of the \$2,000 standard.

Petitioner claims that the assisted living facility is mismanaging her PNA account by depositing funds she send to the facility for her cost of care and room and board. These funds are to be paid to the facility and should be placed in their operating account. For some reason, and contrary to regulations, the facility consistently deposited these amounts into her PNA account. For Medicaid purposes the PNA account is considered an available resource as it is to be used for her personal needs. See 42 CFR § 435.726.

The Initial Decision found that Petitioner's termination was incorrect and cited to the Initial Decision in H.M. v. Union County Board of Social Services OAL Dkt. HMA 10869-2014. However, that matter was reversed by the Final Agency Decision issued on March 17, 2017 wherein the Director found that Medicaid's regulation do require the auditing and review of checks drawn to determine the end game. A PNA is a resource to the resident of the facility as it is purpose is for the resident's support and maintenance. N.J.A.C. 10:71-4.1(b). When money is placed into the PNA account it is available to the resident and Morris County properly included the balance of the account in determining Petitioner's eligibility.

However, I do FIND that Petitioner provided sufficient evidence to demonstrate that her resources exceed \$2,000 due to the improper deposit of funds allotted for her room and board and her contribution to care. When those amounts are deducted from the PNA account, her countable resources render her eligible.

THEREFORE, it is on this ^{1st} day of JULY 2019,

ORDERED:

That the Initial Decision is hereby ADOPTED with regard to the finding that
Petitioner remains resource eligible.



Carol Grant, Acting Director
Division of Medical Assistance
and Health Services