

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
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CAROLE JOHNSON

Commissioner

CAROL GRANT ActingDirector

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

S.W.,

PETITIONER,

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DIVISION OF MEDICAL ASSISTANCE:

AND HEALTH SERVICES AND

MONMOUTH COUNTY BOARD OF

SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 1690-2019

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 inclusion of Petitioner's alimony to offset her cost

of care in the nursing facility. In May 2018, after her entry into a nursing home. Petitioner and her husband finalized their divorce. The terms of the settlement agreement included the awarding of \$600 month in alimony for Petitioner. However, that alimony was to be paid to the trustee of Petitioner's Special Needs Trust (SNT) which she executed on July 12, 2018. She applied for Medicaid benefits on July 20. 2018.

Petitioner was found eligible as of June 1, 2018 and was notified that she was required to contribute to her cost of care. N.J.A.C. 10:71-5.7. See also 42 CFR § 435.725. Her income includes \$1,455 from Social Security and \$600 alimony from the divorce. R-1. Petitioner argued that the \$600 was assigned to her SNT by a court order and cannot be counted towards her contribution to care. The Initial Decision agreed Thus, for the reasons set forth below, I hereby ADOPT the Initial and I concur. Decision.

THEREFORE, it is on this day of JULY 2019,

ORDERED:

That the Initial Decision is hereby ADOPTED.

Carol Grant, Acting Director Division of Medical Assistance

and Health Services