

## State of New Jersey

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
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SARAH ADELMAN Acting Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

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

J.M.,

PETITIONER,

**ADMINISTRATIVE ACTION** 

٧.

**FINAL AGENCY DECISION** 

DIVISION OF MEDICAL ASSISTANCE

OAL DKT. NO. HMA 04544-2021

AND HEALTH SERVICES AND

BERGEN COUNTY BOARD

OF SOCIAL SERVICES.

RESPONDENTS.

As Assistant Commissioner for the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision and the Office of Administrative Law (OAL) case file. Petitioner filed exceptions in this matter.¹ Procedurally, the time period for the Agency Head to render a Final Agency Decision is October 7, 2021, in accordance with an Order of Extension.

The matter arises regarding the recovery of \$8,613.74 based on incorrectly paid

<sup>&</sup>lt;sup>1</sup> Petitioner's exceptions state that she is requesting that her health insurance be renewed. The present matter deals only with Petitioner's appeal of the overpayment issued to Petitioner for the period of August 2019 through January 2020. However, I note that Petitioner may reapply for benefits.

benefits for Petitioner. On Petitioner's January 9, 2019 Medicaid application, Petitioner identified a PNC Bank account as belonging solely to Petitioner. R-1. On January 24, 2020, Petitioner submitted a renewal application for her Medicaid benefits. <u>Ibid.</u> Updated bank statements were not provided with her renewal application; however, through an Asset Verification System (AVS) search performed by the Bergen County Board of Social Services (BCBSS), it was determined that the balance in Petitioner's previously reported PNC Bank account was \$5,000.70 from August 1, 2019 through January 31, 2020, exceeding the resource limit of \$2,000 during that time period. <u>Ibid.</u> BCBSS determined that during the referenced time period, payments on Petitioner's behalf totaled \$8,613.74.

A "resource" is defined as "any real or personal property which is owned by the applicant . . . and which could be converted to cash to be used for his/her support and maintenance." See 20 C.F.R. § 416.1201(a) and N.J.A.C. 10:71-4.1(b). If the individual has the right, authority, or power to liquidate the property, it is considered a resource. Ibid. A resource is "countable" for purposes of eligibility determinations if it is "available to the applicant/beneficiary or any person acting on his or her behalf." N.J.A.C. 10:71-4.1(c)(3).

In the present matter, the Asset Verification System (AVS) used Petitioner's Social Security number and other identifiers to discover the accounts owned by Petitioner. See Medicaid Communication NO. 17-16. The AVS search revealed that Petitioner's previously reported PNC Bank account contained funds in excess of the \$2,000 resource limit to qualify for benefits from August 2019 through January 2020. As a result, Petitioner was ineligible for benefits during that period. While Petitioner argues that the funds contained in her PNC Bank account belonged to her daughter, Petitioner was the sole owner of the account and thus, maintained the ability and authority to use the funds contained in the account during the referenced time period. Therefore, Petitioner was not eligible for those months in which her resources exceeded \$2,000, and the recovery of the overpayment is appropriate, pursuant to N.J.A.C. 30:4d-7i and N.J.A.C. 10:49-14.4(b). Accordingly, I FIND that the

overpayment determination should be affirmed.

THEREFORE, it is on this 5th day of OCTOBER 2021,

ORDERED:

That the Initial Decision is hereby ADOPTED.

Jennifer Langer Jacobs, Assistant Commissioner Division of Medical Assistance and Health Services