



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

SARAH ADELMAN
Acting Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

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

R.B.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

OCEAN COUNTY BOARD OF

SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 7358-2020

As Assistant Commissioner 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 March 1, 2021 in accordance with an Order of Extension.

The matter arises regarding the denial of Petitioner's January 2020 application Medicaid benefits due to excess resources. Ocean County determined that Petitioner's resources exceeded the resource limit of \$2,000 and denied the case by letter dated May 8, 2020 based on resources that exceeded \$6,000.

The Initial Decision upheld the denial and I concur. Petitioner passed away in April 2020 and her executor is only seeking eligibility for April 2020 under the argument that there were exceptional circumstances to the COVID-19 emergency. Specifically her executor, who was also her Power of Attorney, argued that he did not have access to Petitioner's checkbook to spend down the resources. ID at 6. While I understand the difficulties that were in place in March and April 2020, Petitioner's POA had access to the checkbook and, therefore, the excess funds as of March 28, 2020. However, no funds were committed from the account until a check was written April 2, 2020. Moreover, Petitioner's representative admitted he was "hesitant to spend down the account." ID at 4.

The \$2,000 limit is a bright line test as of the first moment of the first day of the month. N.J.A.C. 10:71-4.5. While checks drawn but not yet cleared can reduce the balance, the check in this matter was not drawn until after the first of the month. I note that the application and Ocean County's first request for information issued on February 11, 2020 included the \$2,000 limit. Nothing in the record shows that Petitioner met the \$2,000 resource standard. Therefore, I ADOPT the Initial Decision and uphold the denial.

THEREFORE, it is on this ^{23rd} day of FEBRUARY 2021,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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