

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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TRENTON, NJ 08625-0712

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.V.

PETITIONER.

٧.

ADMINISTRATIVE ACTION
FINAL AGENCY DECISION
OAL DKT. NO. HMA 10281-20

MONMOUTH 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 matter, consisting of the Initial Decision, the documents in evidence, and the contents of the OAL case file. Neither party filed exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to render a Final Agency Decision is May 21, 2021 in accordance with N.J.S.A. 52:14B-10, which requires an Agency Head to adopt, reject or modify the Initial Decision within 45 days of the agency's receipt. The Initial Decision was received on April 8, 2021.

This matter arises from the Monmouth County Board of Social Services' (MCBSS) September 1, 2020 determination that Petitioner was eligible for Medicaid benefits effective September 1, 2020.

Petitioner is seeking to have the eligibility standard disregarded due to the delay in processing her application. However, absent compliance with the standards set forth in the federal and state Medicaid law, eligibility cannot exist. Indeed, participation in the Medicaid program will be denied if the resources of an individual exceed \$2000 as of the first moment of the first day of the month. N.J.A.C. 10:71-4.1(e) and N.J.A.C. 10:71-4.5(c). Additionally, any resource that is not specifically excluded by regulation "shall be considered a countable resource for the purpose of determining Medicaid Only eligibility." N.J.A.C. 10:71-4.2(a).

On or about April 13, 2020, Petitioner, through her legal guardian, applied for Medicaid benefits.¹ Section twelve of the application is entitled "Rights and Responsibilities." It enumerates said rights and responsibilities for the applicant, including the one most applicable here which states, "I understand that an individual is only permitted to retain \$2,000 or \$4,000 in applicable program resources in order to be eligible." Additionally, Petitioner's legal guardian received notice from the facility business manager that he needed to keep Petitioner's resources below the \$2,000.

On August 20, 2020, MCBSS issued a request for verifications. That letter included a statement that the applicant's resources could not exceed \$2,000. On August 28, 2020, MCBSS again notified Petitioner that her resources could not exceed \$2,000. The undisputed evidence in the record shows that Petitioner's resources exceeded the \$2,000 limit from April through August 2020. As a result, Petitioner was not eligible for Medicaid benefits until September 1, 2020, which is the first day of the first month in which countable resources fell below \$2,000. There is simply no provision in the regulations which would permit a relaxation of the eligibility date so long as the countable resources exceed the

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¹ The application was stamped "received" by Monmouth County on May 1, 2020.

maximum limit.

THEREFORE, it is on this ^{20th} day of MAY 2021,

ORDERED:

That the Initial Decision is hereby ADOPTED.

Jennifer Langer Jacobs, Assitant Commissioner Division of Medical Assistance And Health Services.