



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.<sup>1</sup> 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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<sup>1</sup> The application was stamped "received" by Monmouth County on May 1, 2020.

maximum limit.

THEREFORE, it is on this <sup>20th</sup> day of MAY 2021,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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