

(MCBSS) to re-evaluate Petitioner's eligibility for the emergency Medicaid program.

Petitioner was hospitalized from March 31, 2021 through April 5, 2021. She filed a Medicaid application seeking to cover the emergency services with the MCBSS on May 5, 2021. Petitioner included two paystubs dated March 19, 2021 and April 2, 2021 that covered pay periods for March 2021. MCBSS requested no additional information to determine Petitioner's financial eligibility and determined that Petitioner's monthly income exceeded the Medicaid income limit of \$2,004 for a household of two.

The ALJ correctly notes that a person applying for emergency Medicaid assistance must still fall within the program's income limits. However, because the Petitioner is applying for emergency Medicaid to cover past rather than prospective services, and does not appear to fall within the qualifications set forth in N.J.A.C. 10:78-3.2, the eligibility limits delineated in N.J.A.C. 10:78-4.1 et seq. do not apply here. Rather, the Affordable Care Act regulations establish a new method for counting income based upon an applicant's Modified Adjusted Gross Income (MAGI). The countable income for MAGI is gross income according to the Internal Revenue Service Code. See 42 CFR 435.603. In order to determine if Petitioner was eligible for the services she received in March and April, MCBSS needs to determine the income Petitioner received in those months.

THEREFORE, it is on this 13th day of December 2021,

ORDERED:

That the Initial Decision is hereby ADOPTED; and

IT IS FURTHER ORDERED:

That the MCBSS shall re-determine Petitioner's eligibility for benefits in accordance with this Final Decision.



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