

State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
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ELIZABETH CONNOLLY
Acting Commissioner

KIM GUADAGNO Lt. Governor

CHRIS CHRISTIE

Governor

MEGHAN DAVEY Director

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

J.D.,

PETITIONER,

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DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES AND
OCEAN COUNTY BOARD OF
SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION
FINAL AGENCY DECISION

OAL DKT. NO. HMA 13148-15

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the OAL case file and the Initial Decision approving the Settlement Agreement reached by the parties in this matter. Procedurally, the time period for the Agency Head to file a Final Agency Decision is April 4, 2016 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 receipt. The Initial Decision was received on February 19, 2016.

This appeal stems from the imposition of a penalty period based upon a transfer of assets. By Stipulation of Settlement filed with the OAL, the parties agreed to amicably resolve this controversy whereby the Ocean County Board of Social Services agreed that the transfer penalty should be reduced by \$24,915 for payments made to Petitioner's home health aide prior to her nursing home admission.

The ALJ approved the Settlement Agreement because it was consistent with the law, fully disposed of all issues in controversy and was voluntarily entered into by both parties, in accordance with N.J.A.C. 1:1-19.1.

I agree with the ALJ's conclusions regarding the Settlement Agreement and ADOPT the Initial Decision as based upon substantial credible evidence and consistent with applicable law.

THEREFORE, it is on this 18 day of March 2016,

ORDERED:

That the Initial Decision approving the Settlement Agreement in this matter is hereby ADOPTED.

Meghah Davey, Director O Division of Medical Assistance

and Health Services