



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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Governor

ELIZABETH CONNOLLY
Acting Commissioner

KIM GUADAGNO
Lt. Governor

MEGHAN DAVEY
Director

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

J.P.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

BERGEN COUNTY BOARD OF

SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 17029-14

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision and the OAL case file. Neither Party filed exceptions in this matter. Procedurally, the time

period for the Agency Head to file a Final Agency Decision in this matter is October 27, 2016 in accordance with an Order of Extension. The Initial Decision in this matter was received on July 29, 2016.

Based upon my review of the record, I hereby ADOPT the findings of the Administrative Law Judge in their entirety and incorporate the same herein by reference.

Petitioner applied for Medicaid benefits on September 15, 2015. As a result of transfers totaling \$280,297.74.00, the Bergen County Board of Social Services (BCBSS) imposed a transfer penalty of twenty-nine months and twenty-four days. The ALJ found that BCBSS properly imposed the transfer penalty

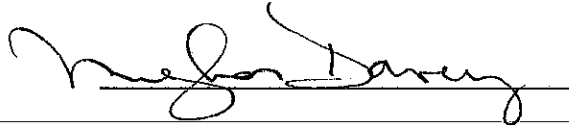
In determining Medicaid eligibility for someone seeking institutionalized benefits, the counties must review five years of financial history. During that time period, a resource cannot be transferred or disposed of for less than fair market value. 42 U.S.C.A. § 1396p(c)(1); see also N.J.A.C. 10:71-4.10(a). If such a transfer occurs, the applicant will be subject to a period of Medicaid ineligibility to be imposed once the person is otherwise eligible for Medicaid benefits. Ibid.; N.J.S.A. 30:4D-3(i)(15)(b).

Petitioner bears the burden of proof to demonstrate that she received fair market value for the assets transferred. N.J.A.C.10:71-4.10(j). Here, most of the transactions were admittedly gifts to Petitioner's family members. Furthermore, Petitioner was unable to provide any corroborating evidence to establish that the transfers were done for a purpose other than to qualify for Medicaid benefits.

THEREFORE, it is on this 18th day of OCTOBER 2016,

ORDERED:

That the Administrative Law Judge's recommended decision affirming the transfer penalty is hereby ADOPTED.

A handwritten signature in black ink, appearing to read "Meghan Davey", is written over a horizontal line.

Meghan Davey, Director
Division of Medical Assistance
and Health Services
