



State of New Jersey
 DEPARTMENT OF HUMAN SERVICES
 DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
 P.O. Box 712
 Trenton, NJ 08625-0712

CHRIS CHRISTIE
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**

P.S.,	:	
	:	
PETITIONER,	:	ADMINISTRATIVE ACTION
	:	
v.	:	FINAL AGENCY DECISION
	:	
DIVISION OF MEDICAL ASSISTANCE	:	OAL DKT. NO. HMA 9399-2015
	:	
AND HEALTH SERVICES AND	:	
	:	
OCEAN COUNTY BOARD OF	:	
	:	
SOCIAL SERVICES,	:	
	:	
RESPONDENTS.	:	

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision, the OAL case file and the documents filed below. No exceptions were filed. Procedurally, the time period for the Agency Head to file a Final Decision is October 27, 2016 in accordance with an Order of Extension.

The matter arises regarding the imposition of a transfer penalty. Petitioner applied for Medicaid in June 2013. By notice dated September 13, 2013, Ocean County

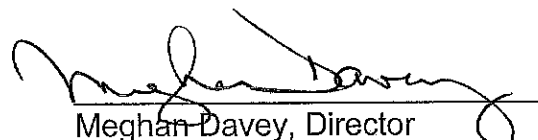
Board of Social Services found Petitioner otherwise eligible as of April 1, 2013. However, during the five year lookback period, Petitioner transferred assets. Ocean County imposed a transfer penalty of 318 day penalty based on \$83,000 in transferred assets.

There is a rebuttable presumption that transfers done within five years of institutionalization were done to qualify for Medicaid. The regulation places the burden of demonstrating that the transfer was done exclusively for another purpose on the Petitioner. N.J.A.C. 10:71-4.10(k). The Initial Decision held that Petitioner failed to rebut the presumption or to establish that she received fair-market-value for the funds she transferred. I have reviewed the record and concur. However, the Initial Decision does modify the penalty in two areas. Petitioner paid for upgrades to her daughter's home in the amount of \$30,000, not the \$43,000 originally calculated. Evidence was produced that demonstrated that Petitioner's daughter paid the \$13,000 difference. ID at 6. Additionally, three of the four checks that Petitioner wrote as part of a promissory note that was repaid were mistakenly included in the transfer amount. ID at 5-6. As such the penalty should be reduced by \$20,500 or 240 days. Thus, I hereby ADOPT the Initial Decision.

THEREFORE, it is on this ^{20th} day of OCTOBER 2016,

ORDERED:

That the Initial Decision is hereby ADOPTED in its entirety.


Meghan Davey, Director
Division of Medical Assistance
and Health Services