



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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Acting Commissioner

KIM GUADAGNO
Lt. Governor

MEGHAN DAVEY
Director

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

A.K.	:	
	:	
PETITIONER,	:	ADMINISTRATIVE ACTION
	:	
V.	:	FINAL AGENCY DECISION
	:	
DIVISION OF MEDICAL ASSISTANCE :	:	OAL DKT. NO. HMA 3433-2017
AND HEALTH SERVICES &	:	ON REMAND HMA 11760-2017
CAMDEN COUNTY BOARD OF	:	
SOCIAL SERVICES,	:	
	:	
RESPONDENTS.	:	

As Director of the Division of Medical Assistance and Health Services (DMAHS), I have reviewed the record in this case, including the OAL case file, the documents in evidence and the Initial Decision in this matter. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to file a Final Agency Decision in this matter is December 11, 2017, in accordance with an Order of Extension.

Petitioner applied for Medicaid benefits In July 2015. She had been hospitalized in March 2015 after suffering another stroke. She had previously stricken by a stroke in December 2012. Petitioner requested a caregiver exemption for the July 2015 transfer of her home to her daughter without incurring a transfer penalty. Camden County denied the request and Petitioner sought a fair hearing.

The New Jersey regulations regarding the caregiver exemption are based on the federal statute. Compare 42 U.S.C. § 1396p(c)(2)(A)(iv), N.J.A.C. 10:71-4.7(d) and N.J.A.C. 10:71-4.10(d). The statute provides that if the "equity interest in a home" is transferred by title to a son or daughter who provided such care that prevented institutionalization for at least two years, the transfer is exempt from penalty.

In this matter, the case was remanded for further documentation about the time line as the evidence that Petitioner met two year period was narrow based on Petitioner's discharge and readmission to the hospital. Moreover, there were questions regarding the nature of services she used during that time period.

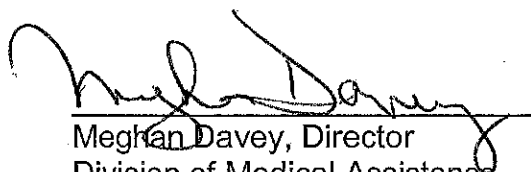
I am satisfied that the evidence of the hospitalizations shows Petitioner was residing in the home for just over two years prior to institutionalization. The additional evidence demonstrates the level of care provided to Petitioner was at a level that prevented her institutionalization for the two year period.

Based on my review of the record and the applicable law, for the reasons set forth above, I hereby ADOPT the Initial Decision finding that the specific facts and circumstances of this case warrant an exemption from transfer penalty.

THEREFORE, it is on this 8th day of DECEMBER 2017

ORDERED:

That the Initial Decision is hereby ADOPTED.


Meghan Davey, Director
Division of Medical Assistance
and Health Services