



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
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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

M.P.,
PETITIONER,
v.
DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES AND
GLOUCESTER COUNTY BOARD OF
SOCIAL SERVICES,
RESPONDENTS.
ADMINISTRATIVE ACTION
FINAL AGENCY DECISION
OAL DKT. NO. HMA 02506-17

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 Settlement Agreement. Procedurally, the time period for the Agency Head to file a Final Agency Decision in this matter is September 5, 2017 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 July 21, 2017.

This matter arises from the Gloucester County Board of Social Services' (GCBSS) imposition of a penalty period due to the transfer of assets in the amount of \$503,852.05. At issue is the amount of assets transferred and the date on which

Petitioner's Medicaid eligibility becomes effective. However, at the scheduled June 30, 2017 OAL hearing, the parties entered a settlement on the record whereby the penalty would be reduced to \$478,981.59. 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.

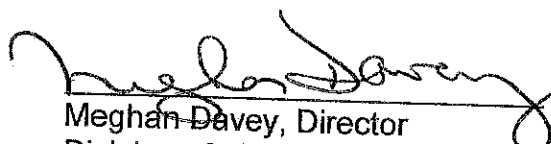
Based on my review of the record, I concur with the ALJ's findings. However, the Settlement Agreement provides that Gloucester County shall issue a revised adverse letter stating the new penalty assessment. The issuance of a new assessment would not fully dispose of the issues in controversy in violation of N.J.A.C. 1:1-19.1. The Settlement Agreement sets forth the terms agreed to by the Parties and does not necessitate the issuance of a revised assessment. Therefore, I ADOPT the terms of the Settlement Agreement which establish the new penalty assessment and breakdown, but MODIFY that part of the Settlement Agreement that requires GCBSS to issue a revised assessment.

THEREFORE, it is on this <sup>13th</sup> day of SEPTEMBER 2017,

ORDERED:

That the Initial Decision is hereby ADOPTED in part with regard to the new penalty assessment; and

That the Initial Decision is MODIFIED in part in so much that the GCBSS is not required to issue a revised assessment setting forth the terms already memorialized in the Settlement Agreement.

  
Meghan Davey, Director  
Division of Medical Assistance  
and Health Services