



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**

S.F.,	:	
	:	
PETITIONER,	:	ADMINISTRATIVE ACTION
	:	
v.	:	FINAL AGENCY DECISION
	:	
DIVISION OF MEDICAL ASSISTANCE	:	OAL DKT. NO. HMA 6892-2017
AND HEALTH SERVICES AND	:	
MONMOUTH 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. Neither party filed exceptions. Procedurally, the time period for the Agency Head to file a Final Agency Decision in this matter is September 18, 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 in this matter was received on August 4, 2017.

The matter arises regarding the imposition of a transfer penalty. Monmouth County determined that Petitioner was subject to a penalty of 37 days beginning on February 1, 2017 for transfers totaling \$12,306.30. Petitioner appealed that action.

There is a presumption that any transfer for less than fair market value during the look-back period was made for the purpose of establishing Medicaid eligibility. N.J.A.C. 10:71-4.10(i). The applicant "may rebut the presumption that assets were transferred to establish Medicaid eligibility by presenting convincing evidence that the assets were transferred exclusively (that is, solely) for some other purpose." N.J.A.C. 10:71-4.10(j). The burden of proof in rebutting this presumption is on the applicant. Ibid. The regulations also provide that, "if the applicant had some other purpose for transferring the asset, but establishing Medicaid eligibility appears to have been a factor in his or her decision to transfer, the presumption shall not be considered successfully rebutted." N.J.A.C. 10:71-4.10(l)2. Petitioner claims that the transfers were to reimburse his father for expenses he paid on his behalf.

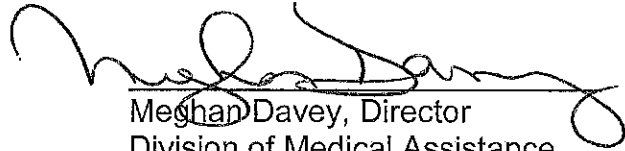
The Initial Decision determined that the four transfers, made after Petitioner entered a nursing home, were subject to penalty. Petitioner's argument that the checks were written to repay his father is not supported by any credible documentation. Neither Petitioner nor his father testified at the hearing.

Thus, I hereby ADOPT the Initial Decision's findings of fact and conclusion of law regarding the transfers and uphold the transfer penalty of 37 days.

THEREFORE, it is on this ^{15th} day of AUGUST 2017,

ORDERED:

That the Initial Decision is hereby ADOPTED.

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

Meghan Davey, Director
Division of Medical Assistance
and Health Services