



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

CHRIS CHRISTIE
Governor

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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**

F.K.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

MORRIS COUNTY BOARD OF

SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 5274-2016

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 February 6, 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 December 23, 2016.

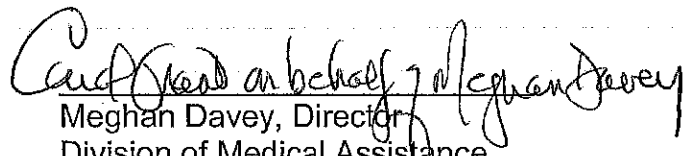
The matter arises regarding the imposition of a transfer penalty of 67 days. Petitioner entered the nursing home in September 2012. He filed two applications which were denied due to failure to provide documentation. The third application in April 2015 was granted as of May 2015 subject to a transfer penalty of 67 days. The transferred amounts occurred from May 2012 through December 2012. Petitioner conceded that the transfer of \$8,333 in May 2012 was a transfer of assets subject to penalty. The other transfers were alleged to be payments for his daughter's college education.

The Initial Decision held the entire transfer penalty was properly assessed. The ALJ gave Petitioner additional time to substantiate the claim that the checks were payments to his daughter's college. ID at 3. While documentation was provided, the Initial Decision noted that the checks were made to Petitioner's daughter and not to a college. As such it was determined "there was no evidence presented to substantiate the payments to [the] college." ID at 4. I have reviewed the record and concur.

THEREFORE, it is on this ^{2nd} day of FEBRUARY 2017,

ORDERED:

That the Initial Decision is hereby ADOPTED in its entirety.


Meghan Davey, Director
Division of Medical Assistance
and Health Services