

State of New Jersey

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Governor

SHEILA Y. OLIVER
Lt. Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
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CAROLE JOHNSON

Commissioner

MEGHAN DAVEY
Director

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

L.B.,

PETITIONER,

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DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

CAMDEN COUNTY BOARD OF

SOCIAL SERVICES.

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 16678-17

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 documents in evidence. Neither Party filed exceptions. Procedurally, the time period for the Agency Head to file a Final Agency Decision in this matter is November 26, 2018 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 the agency's receipt. This Initial Decision in this matter was received on October 12, 2018.

Based upon my review of the record, I hereby ADOPT the Initial Decision in its

entirety and incorporate the same herein by reference. This matter arises from the 405 day transfer penalty assessed by Camden County Board of Social Services' (CCBSS) on October 18, 2017. Due to the unique facts and circumstances presented here, I agree with the ALJ that the record shows that the nominal payments made to two individuals over the course of eighteen months were not intended to be delivered without compensation.

However, with regard to the six transactions that occurred in 2012 and 2013, Petitioner produced no documentation to rebut the presumption that the transfers were made to establish Medicaid eligibility. It is Petitioner's burden to overcome the presumption that the transfer was done – even in part – to establish Medicaid eligibility. The presumption that the transfer of assets was done to qualify for Medicaid benefits may be rebutted "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). Petitioner was not able to do so and CCBSS properly assessed a transfer penalty for the 2012 and 2013 transactions.

THEREFORE, it is on this day of NOVEMBER 2018,

ORDERED:

That the Initial Decision is hereby ADOPTED.

Meghan Davey, Director

Division of Medical Assistance

and Health Services