

State of New Jersey Department of Human Services Division of Medical Assistance and Health Services P.O. BOX 712

PHILIP D. MURPHY Governor TRENTON NJ 08625-0712

Carole Johnson Commissioner

Sheila Y. Oliver Lt. Governor

Meghan Davey Director

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

A.L.,

PETITIONER.

ADMINISTRATIVE ACTION

٧.

FINAL AGENCY DECISION

OAL DKT. NO. HMA 00754-19

OCEAN COUNTY BOARD

OF SOCIAL SERVICES.

RESPONDENTS.

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this matter, consisting of the Initial Decision, the documents in evidence, the entire contents of the OAL case file and Petitioner's Exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to file a Final Agency Decision in this matter is May 13, 2019 in accordance 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. The Initial Decision in this matter was received on April 9, 2019.

At issue is a 114 day penalty imposed due to Petitioner's transfers totaling \$39,502. In determining Medicaid eligibility for someone seeking institutionalized benefits, the counties must review five years of financial history. Under the regulations, "[i]f an individual . . . (including any person acting with power of attorney or as a guardian for such individual) has sold, given away, or otherwise transferred any assets (including any interest in an asset or future rights to an asset) within the look-back period" a transfer penalty of ineligibility is assessed. N.J.A.C. 10:71-4.10 (c). 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). The Petitioner failed to meet his burden of proof that the resources were transferred for some reason other than to qualify for Medicaid and the ALJ affirmed the transfer penalty.

After reviewing the record, I concur with the ALJ's findings that Petitioner was unable to provide any credible evidence to establish that the transfers were done for a purpose other than to qualify for Medicaid benefits.

THEREFORE, it is on this /3 day of MAY 2019.

ORDERED:

That the Initial Decision is ADOPTED.

Meghan Da√ey, Director

Division of Medical Assistance

and Health Services