



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CAROLE JOHNSON
Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

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

D.W.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

HUNTERDON COUNTY BOARD

SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 12937-19

As Assistant Commissioner for the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision, the OAL case file, the documents filed below. No exceptions were filed. Procedurally, the time period for the Agency Head to file a Final Decision is December 19, 2019, 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 November 4, 2019.

The matter arises as the result of the Hunterdon County Board of Social Services' ("Board") imposition of a transfer penalty in determining Petitioner's eligibility date for

Medical Assistance (Medicaid). D.W. applied for Medicaid on February 14, 2019. In a letter dated July 22, 2019,¹ the Board notified Petitioner that a transfer penalty of fourteen (14) days would be imposed for a transfer Petitioner made in the amount of \$5,000 during the five-year look-back period. B.L., who is D.W.'s daughter and Power of Attorney, requested a Fair Hearing on behalf of her father.

At the hearing, B.L. testified that the transfer was a wedding gift from her father to D.W. and T.W., his son and daughter-in-law, to pay for their rehearsal dinner. B.L. asserted that when the gift was made, there was no thought of nursing home care and since D.W. paid for B.L.'s wedding, it was a legitimate gift. The Initial Decision found, despite the transfer being a gift, it was a transfer for less than fair market value resulting in a penalty. The Initial Decision held that the Board appropriately assessed the transfer penalty.

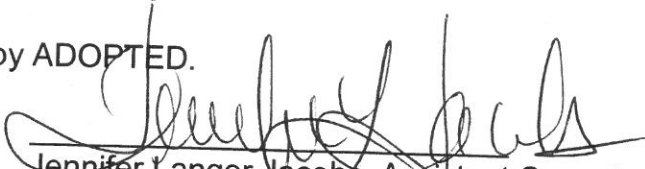
I agree with the Initial Decision's conclusion that the Board properly assessed the fourteen (14) day transfer penalty on D.W., based on the transfer of \$5,000 from D.W.'s account to D.W.

Based on my review of the record, I concur with the Initial Decision.

THEREFORE, it is on this  day of DECEMBER 2019,

ORDERED:

That the Initial Decision is hereby ADOPTED.


Jennifer Langer Jacobs, Assistant Commissioner
Division of Medical Assistance and Health Services

¹ The date indicated in the Initial Decision, August 2, 2019, is the date Petitioner filed a request for a Fair Hearing.