

Petitioner was not entitled to have Medicaid pay for her long term care services. After a prior hearing and Initial Decision, the matter was remanded to answer several inconsistencies in the record produced at the prior hearing. It is Petitioner's burden to demonstrate that she received fair market value for the transferred assets. N.J.A.C. 10:71-4.10(j).

On remand, Petitioner was given the opportunity to produce evidence about the services her daughter provided including a description of the services and the time expended performing them. Petitioner was also to provide evidence about the fair market value of the services. Additionally, Petitioner was to address the inconsistency in the record concerning her daughter's frequent travel into New York where it appears she remained for days, including days where she was being paid to care for Petitioner.

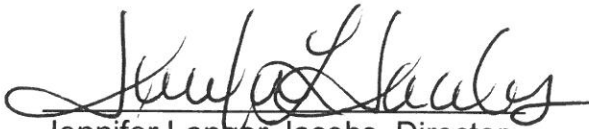
The Initial Decision found that Petitioner "offered no new evidence documenting the daily services [the daughter] provided to the petitioner, the amount of time she actually expended to provide each service, or the fair market value of those services." ID at 14. I concur with that finding. The record and the testimony presented at the hearing did not offer any detail about the services Petitioner paid her daughter to perform. Rather, the Initial Decision described the daughter's testimony about the service as "broad strokes" and the description that Petitioner's medical condition permitted her to walk "quite freely" as "questionable." ID at 14 and 15.

As a result of the testimony and documentation provided on remand, the Initial Decision found that Petitioner had not demonstrated that the transfer of funds under the caregiver agreement was for fair market value, and therefore the transfer penalty should stand. I have reviewed the record and agree with the findings below. Thus, I hereby ADOPT the Initial Decision in its entirety.

THEREFORE, it is on this ^{9th} day of AUGUST 2019,

ORDERED:

That the Initial Decision is hereby ADOPTED.


Jennifer Langer Jacobs, Director
Division of Medical Assistance
and Health Services