



State of New Jersey
Department of Human Services
Division of Medical Assistance and Health Services
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Governor

Sheila Y. Oliver
Lt. Governor

Carole Johnson
Commissioner

Meghan Davey
Director

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

S.S.,

PETITIONER,

v.

MERCER COUNTY

DIVISION OF SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 10288-18

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 February 7, 2019 in accordance with an Order of Extension. The Initial Decision in this matter was received on November 9, 2018.

Based upon my review of the record, I hereby adopt the findings and conclusions of the Administrative Law Judge in their entirety and I incorporate the same herein by reference. This matter concerns the February 27, 2018 denial of Petitioner's


request for Pre-Eligibility Medical Expenses (PEME) due to Petitioner having incurred a transfer penalty for the transfer of resources. Petitioner was found otherwise eligible effective September 1, 2017 but a thirty-five day penalty for the transfer of \$22,518 resulted in an effective date of October 6, 2017. Medicaid Communication 10-07 deals with the Post Eligibility Treatment of Income for Pre-Eligibility Medical Expenses and states that "medical expenses incurred during a transfer penalty are not allowed, regardless of when they were incurred. In addition, any amount of Medicaid expenses for dates of services prior to retroactive period will be disallowed." Moreover, N.J.A.C. 10:71-5.7(k) provides no deduction for medical and or remedial care expenses incurred during or as the result of the imposition of a transfer of assets penalty period shall be allowed.¹

Based on my review of the record, I concur with the ALJ's findings and hereby ADOPT the Initial Decision.

THEREFORE, it is on this ^{2nd} day of JANUARY 2019,

ORDERED:

That the Initial Decision is hereby ADOPTED.


Meghan Davey, Director
Division of Medical Assistance
and Health Services

¹ This is consistent with the New Jersey Title 19 State Plan TN No. 10-02.