



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

PO Box 712

TRENTON, NJ 08625-0712

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

JENNIFER VELEZ
Commissioner

VALERIE HARR
Director

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

E.B.,	:	
	:	
PETITIONER,	:	ADMINISTRATIVE ACTION
	:	
v.	:	FINAL AGENCY DECISION
	:	
DIVISION OF MEDICAL ASSISTANCE	:	OAL DKT. NO. HMA 2809-2014
	:	
AND HEALTH SERVICES AND	:	ON REMAND FROM
	:	
CUMBERLAND COUNTY BOARD OF	:	OAL DKT. NO. HMA 12812-2013
	:	
SOCIAL SERVICES,	:	
	:	
RESPONDENTS.	:	

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. No exceptions were filed. Procedurally, the time period for the Agency Head to file a Final Agency Decision in this matter is August 28, 2014, in accordance with an Order of Extension.

This matter concerns Petitioner's April 2013 application for benefits that resulted in the imposition of a transfer penalty due a transfer of assets.

Cumberland County assessed a transfer penalty from August 1, 2013 to September 5, 2013. In October 2012, Petitioner had entered an agreement with her daughter and son-in-law to care for her. Her daughter executed the agreement on Petitioner's Power of Attorney. Petitioner suffered from Alzheimer's disease and had resided with her daughter since 2006.

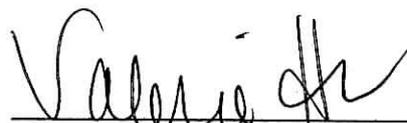
The prior hearing was remanded for further findings related to the scope of care that was provided to Petitioner under the care agreement. The agreement stated the care would be provided on an as needed basis and set forth a calculation that included the hours "reasonably expected" each week. A daily amount was set at 14 hours. However, Petitioner failed to demonstrate that she actually received those hours or what services were performed for the compensation.

At the remanded hearing, Petitioner's daughter established that the care Petitioner received was adequate for her needs and commensurate with the payments made to the daughter. Thus, I am satisfied that Petitioner has demonstrated that she received fair market value for the assets she transferred and I hereby ADOPT the Initial Decision.

THEREFORE, it is on this ^{21st} day of AUGUST 2014

ORDERED:

That the Initial Decision is hereby ADOPTED.



Valerie Harr, Director
Division of Medical Assistance
and Health Services