



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**

I.B.,	:	
	:	
PETITIONER,	:	ADMINISTRATIVE ACTION
	:	
V.	:	FINAL AGENCY DECISION
	:	
DIVISION OF MEDICAL ASSISTANCE	:	OAL DKT. NO. HMA 4619-2014
	:	
AND HEALTH SERVICES &	:	
	:	
BERGEN 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 and the contents of the OAL case file. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is November 7, 2014, 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 in this matter was received on September 23, 2014.

This matter concerns the imposition of a penalty due to Petitioner's transfer of \$24,500 in assets. Petitioner was found otherwise eligible for benefits on October 1, 2013 but subject to a penalty of three months and three days. The transfers occurred from December 2008, when she was 80 years old, through February 2010. She entered the nursing home in April 2013. Petitioner died on August 24, 2014.

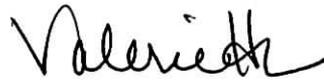
The Initial Decision found that Petitioner had rebutted the presumption that the transfers were made in contemplation of applying for Medicaid. Petitioner provided ample proof that the transfers were done to provide financial assistance to her children during medical and personal tragedies. The majority of the funds were transferred to Petitioner's son whose wife was diagnosed with early onset Alzheimer's disease in her 50s and was charged with caring for her until her death in May 2012. Petitioner's daughter needed funds to retain a lawyer to divorce her physically abusive husband. Her other daughter sought and received funds as she suffered financially with loss of employment. Lastly, Petitioner also gave \$2,000 to her sister when she was diagnosed with pancreatic cancer. The sister has since passed away.

Based on my review the record, I concur with the Initial Decision. Petitioner has presented documentation and has rebutted the presumption that the transfers of assets between December 2008 and February 2010 were not made in contemplation of applying for Medicaid benefits. As such, due to the unique circumstances and facts surrounding this case, I hereby ADOPT the Initial Decision.

THEREFORE, it is on this 3RD day of NOVEMBER 2014

ORDERED:

That the Initial Decision in this matter is hereby ADOPTED.

A handwritten signature in black ink, appearing to read "Valerie Harr". The signature is written in a cursive style with a large initial "V".

Valerie Harr, Director
Division of Medical Assistance
and Health Services