



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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CHRIS CHRISTIE
Governor

ELIZABETH CONNOLLY
Acting Commissioner

KIM GUADAGNO
Lt. Governor

VALERIE HARR
Director

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

M.A.,
PETITIONER,
v.
DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES AND
BERGEN COUNTY BOARD
OF SOCIAL SERVICES,
RESPONDENTS.
ADMINISTRATIVE ACTION
FINAL AGENCY DECISION
OAL DKT. NO. HMA 04547-15

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 entire contents of the OAL case file. No exceptions to the Initial Decision were filed. Procedurally, the time period for the Agency Head to render a Final Agency Decision is July 30, 2015, 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 the agency's receipt. The Initial Decision was received on June 15, 2015.

At issue is the penalty imposed due to Petitioner's transfers totaling \$168,700 to her daughter. The ALJ found that Bergen County had properly imposed a 17-month and 28-day period of ineligibility for the transfers. N.J.A.C. 10:71-4.10 requires a penalty when assets have been transferred during the look back period. Petitioner bears the burden of proof to demonstrate that she received fair market value for the assets transferred. N.J.A.C.10:71-4.10(j). No evidence was presented to establish that Petitioner received fair market value for any of the transfers in questions. Furthermore, claims that the \$168,700 transfer was payment for caregiving services provided in the past are unsupported by the record. In accordance with N.J.A.C. 10:71-4.10(b)6.ii, care and services provided for free in the past are presumed to have been intended to be delivered without compensation. If payment is to be made there must a preexisting written agreement to pay for such services at a fair market rate. No such document was presented here.

After reviewing the record, I concur with the ALJ's findings in the Initial Decision and hereby ADOPT them in their entirety.

THEREFORE, it is on this 7th day of JULY 2015,

ORDERED:

That the Initial Decision affirming the transfer penalty is hereby ADOPTED.



Valerie J. Harr, Director
Division of Medical Assistance
and Health Services