



**State of New Jersey**

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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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**

P.V.,	:	
	:	
PETITIONER,	:	<b>ADMINISTRATIVE ACTION</b>
	:	
v.	:	<b>FINAL AGENCY DECISION</b>
	:	
DIVISION OF MEDICAL ASSISTANCE	:	<b>OAL DKT. NO. HMA 9653-14</b>
	:	
AND HEALTH SERVICES,	:	
	:	
RESPONDENT.	:	

As Director of the Division of Medical Assistance and Health Services (DMAHS), I have reviewed the record in this matter, consisting of the Initial Decision, the documents in evidence, the entire contents of the OAL case file, and both Petitioner's and Respondent's exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to render a Final Agency Decision is February 19, 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 January 6, 2015.

Based upon my review of the record, I agree with the Administrative Law Judge's conclusions and ADOPT the Initial Decision.

Petitioner's mother, V.C., was a Medicaid recipient from April 4, 2012 until her death on June 17, 2013. After V.C. passed away, DMAHS filed a lien against the Estate of V.C. to recoup Medicaid payments for medical services made on her behalf totaling \$52,452.07. The lien attaches to V.C.'s fifty percent share of the home she co-owned with Petitioner. Thereafter, Petitioner, V.C.'s daughter, filed a request for a waiver or compromise of an estate recovery claim due to undue hardship.

The ALJ found that the Estate of V.C. failed to satisfy the requirements necessary to receive an undue hardship waiver of the estate recovery provisions and I FIND no reason to disturb those findings. The waiver regulatory provisions require findings that the estate is or would become the sole income-producing asset of the survivor and that pursuit of the recovery would cause the survivor to become eligible for public assistance or Medicaid. N.J.A.C. 10:49-14.1(h). As noted by the ALJ, recovery of the Estate Lien is not likely to result in Petitioner becoming eligible for public assistance benefits because DMAHS has specifically advised Petitioner that she may remain in the Property for as long as she chooses, and the Estate Lien will be deferred pursuant to N.J.A.C. 10:49-14.1(g).

THEREFORE, it is on this 6<sup>th</sup> day of FEBRUARY 2015,

ORDERED:

That the Initial Decision affirming the denial of an undue hardship waiver is hereby ADOPTED.

A handwritten signature in black ink, appearing to read "Valerie Harr", written over a horizontal line.

Valerie Harr, Director  
Division of Medical Assistance  
and Health Services