



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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Acting Commissioner

MEGHAN DAVEY
Director

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

ESTATE OF ELEANOR WHITEHOUSE, :

PETITIONER,	:	ADMINISTRATIVE ACTION
v.	:	FINAL AGENCY DECISION
DIVISION OF MEDICAL ASSISTANCE	:	OAL DKT. NO. HMA 13679-15
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 Respondent's exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to render a Final Agency Decision is March 11, 2016, 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 26, 2016.

I hereby ADOPT the findings, conclusions and recommended decision of the Administrative Law Judge in their entirety and incorporate the same herein by reference. Summary disposition may be entered where there is no genuine issue as to any material fact and where the moving party is entitled to prevail as a matter of law. See Initial Decision at page 3, citing Brill v. Guardian Life Ins. Co. of Am., 142 N.J. 520, 523 (1995).

Based upon my review of the record, I agree with the Administrative Law Judge that there are no genuine issues of material fact that would require a hearing in this matter. I also agree that DMAHS is entitled to prevail as a matter of law. Here, it is undisputed that DMAHS provided Medicaid benefits to Petitioner from October 1, 2012 through February 7, 2015. As a result, DMAHS holds a \$40,182.26 statutory lien claim against the Estate for correctly paid medical assistance benefits pursuant to N.J.S.A. 30:4D-7.2 to -7.6.

Petitioner requested a waiver of the lien due to hardship. N.J.A.C. 10:49-14.1(h). The criteria for finding that the lien creates a hardship require that the estate is or would become the sole income-producing asset of the survivors and pursuit of the recovery would cause those survivors to become eligible for public assistance themselves. N.J.A.C. 10:49-14.1(h). Petitioner did not file opposition to DMAHS' summary decision motion and there is simply no evidence of undue hardship in this case.

THEREFORE, it is on this ^{29th} day of February 2016,

ORDERED:

That the recommended decision granting DMAHS' motion for summary decision is hereby ADOPTED.



Meghan Davey, Director
Division of Medical Assistance
and Health Services