

State of New Jersey

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
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SARAH ADELMAN

Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

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

D.M.,

PETITIONER,

ADMINISTRATIVE ACTION

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FINAL AGENCY DECISION

HUNTERDON COUNTY BOARD

OAL DKT. NO. HMA 00277-23

OF SOCIAL SERVICES.

RESPONDENTS.

As Assistant Commissioner for 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, the entire contents of the OAL case file, and Petitioner's exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to render a Final Agency Decision is April 7, 2023 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 February 21, 2023.

At issue is the penalty imposed due to Petitioner's transfers totaling \$9,155 to her children. The ALJ found that Hunterdon County had properly imposed a 24-day period of

ineligibility for the transfers. Petitioner's son claims that a portion of the transfer was payment for care giving services provided in the past. 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

day of APRIL 2023,

ORDERED:

That the Initial Decision is hereby ADOPTED.

Carol A Grant OBO Jennifer Digitally signed by Carol A Grant OBO Jennifer Langer Jacobs Date: 2023.04.03 22:19:46

Langer Jacobs

Jennifer Langer Jacobs, Assistant Commissioner Division of Medical Assistance and Health Services

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