



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

SARAH ADELMAN
Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

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

J.K.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

MORRIS COUNTY OFFICE OF

TEMPORARY ASSISTANCE,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 03790-2022

As Assistant Commissioner for the Division of Medical Assistance and Health Services (DMAHS), I have reviewed the record in this case, including the Initial Decision and the Office of Administrative Law (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 May 8, 2023, in accordance with an Order of Extension

This matter arises from the imposition of a transfer penalty on Petitioner's receipt of Medicaid benefits.¹ Based upon my review of the record and for the reasons set forth in the

¹ The Morris County Office of Temporary Assistance imposed a penalty on Petitioner's receipt of Medicaid benefits for transfers totaling \$135,822.92 during the five-year look back period.

Initial Decision, I hereby ADOPT the findings and conclusions of the Administrative Law Judge (ALJ) and FIND that Petitioner has presented sufficient evidence to rebut the presumption that the transfers at issue in this matter were made in order to establish Medicaid eligibility, and, therefore, the imposed penalty period in this matter should be modified as set forth in the Initial Decision. Accordingly, the Initial Decision of the OAL is ADOPTED as the Final Agency Decision in this matter.

THEREFORE, it is on this 19th day of APRIL 2023,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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

However, as noted in the Initial Decision, Petitioner accepts the penalty imposed on several transfers that total \$24,000. Petitioner is only contesting transfers made upon his wife's death to their adopted son from his wife's retirement accounts. Their adopted son was listed as the beneficiary for those accounts. Accordingly, the only transactions at issue in this matter relate to transfers totaling \$111,882.92.