



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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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**

E.D.,	:	
	:	
PETITIONER,	:	ADMINISTRATIVE ACTION
	:	
v.	:	FINAL AGENCY DECISION
	:	
DIVISION OF MEDICAL ASSISTANCE	:	OAL DKT. NO. HMA 13364-14
	:	
AND HEALTH SERVICES AND	:	
	:	
ATLANTIC COUNTY BOARD	:	
	:	
OF SOCIAL SERVICES,	:	
	:	
RESPONDENTS.	:	

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 February 2, 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 December 17, 2014.


At issue is the penalty imposed due to Petitioner's transfers totaling \$148,081 to her son and daughter-in-law. The ALJ found that Atlantic County had properly imposed a 15-month and 23-day period of ineligibility for the transfers. Petitioner's daughter-in-law claims that the \$148,081 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 22nd day of JANUARY 2015,

ORDERED:

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



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