



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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CHRIS CHRISTIE
Governor

ELIZABETH CONNOLLY
Acting Commissioner

KIM GUADAGNO
Lt. Governor

VALERIE HARR
Director

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

E.B.,
PETITIONER,
v.
DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES AND
CAMDEN COUNTY BOARD
OF SOCIAL SERVICES,
RESPONDENTS.
ADMINISTRATIVE ACTION
FINAL AGENCY DECISION
OAL DKT. NO. HMA 07037-15

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 11, 2016, in accordance with an Order of Extension. The Initial Decision was received on November 10, 2015.

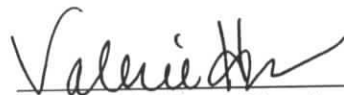
At issue is the penalty imposed due to Petitioner's transfers totaling \$69,756.90 to her daughter, J.W. N.J.A.C. 10:71-4.10 requires a penalty when assets have been transferred during the look back period. It is Petitioner's burden to demonstrate that she received fair market value for the assets transferred. N.J.A.C.10:71-4.10(j). Petitioner's daughter claims that the \$69,756.90 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 *9th* day of FEBRUARY 2016,

ORDERED:

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



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