



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

M.M.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES AND
UNION COUNTY BOARD OF

SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 526-2015

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision, the OAL case file and the documents filed below. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to file a Final Agency Decision is January 19, 2016 in accordance with an Order of Extension.

The matter arises from the imposition of a transfer penalty due to two transfers to two of Petitioner's four children that totaled \$104,455.66. Petitioner contended that, at age 86, she gifted the amounts to equalize gifts among her four children to carry out her

testamentary intent. The gifts to her other two children occurred outside the lookback period. One of those gifts was forgiveness of \$50,000 of a \$200,000 "bridge loan" to one of her daughters.

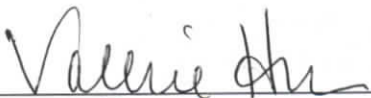
The AJ found that Petitioner, through testimony and documents, had successfully rebutted the presumption that the transfers were made for purpose of applying for Medicaid. In reviewing the exhibits and the summary of testimony, I find that the unique circumstances and facts of this case support this finding. The forgiveness of \$50,000 of a loan to Petitioner's daughter was the catalyst for the transfers and was done when her son-in-law was diagnosed with cancer. Petitioner then set about equalizing the transfer amongst her other children which occurred both before and after the lookback period began. She did not make any other transfers for the next four years. As such, it was the external factor of the cancer diagnosis that triggered the transfers.

Thus, I FIND that the unique facts presented here demonstrate that Petitioner has rebutted the presumption that the transfers were done for purposes of qualifying for Medicaid. I hereby ADOPT the Initial Decision.

THEREFORE, it is on this ^{13th} day of JANUARY 2016,

ORDERED:

That the Initial Decision is hereby ADOPTED.



Valerie Harr, Director
Division of Medical Assistance
and Health Services