



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

MEGHAN DAVEY
Director

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

M.C.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

CAMDEN COUNTY BOARD OF

SOCIAL SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

ORDER OF REMAND

OAL DKT. NO. HMA 16226-16

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the OAL case file and the Initial Decision approving the Settlement Agreement reached by the parties. Procedurally, the time period for the Agency Head to file a Final Decision is June 18, 2017 in accordance with an Order of Extension. The Initial Decision was received on March 20, 2017.

This matter arises from the Camden County Board of Social Services' (CCBSS) determination that Petitioner was otherwise eligible for Medicaid as of July 1, 2016 but

subject to a transfer penalty of totaling \$338,614.07 ending April 15, 2019. On March 9, 2017, the parties entered into a settlement on the record.

I hereby REJECT the Settlement Agreement as the basis for Petitioner's effective date of eligibility was the amount of the transfer penalty assessed by CCBSS. The Settlement Agreement does not resolve this issue and makes no determination regarding the correct amount of the transfer penalty. Rather the Settlement Agreement seemingly restates Petitioner's position that that amount of the transfer penalty was incorrectly calculated and addresses a notice to be issued by CCBSS at some unknown date in the future. As there are outstanding issues regarding the appropriateness of a transfer penalty or the correct amount of the transfer penalty, this Agreement does not dispose of all issues in controversy.

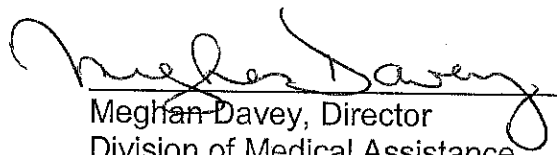
Thus, I REJECT the Settlement Agreement as it does not comply with the law nor does it resolve the transfer penalty assessed against Petitioner. The matter is REMANDED to the Office of Administrative Law for further findings regarding the transfer penalty.

THEREFORE, it is on this <sup>23<sup>rd</sup></sup> day of MAY 2017,

ORDERED:

That the Initial Decision approving the terms of the Settlement Agreement in this matter is hereby REJECTED; and

That the matter is hereby REMANDED to the Office of Administrative Law for further action on the transfer penalty assessed against Petitioner's Medicaid benefits.

  
Meghan Davey, Director  
Division of Medical Assistance  
and Health Services