



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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Governor

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Lt. Governor

CAROLE JOHNSON
Commissioner

MEGHAN DAVEY
Director

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

M.O.,	:	
	:	
PETITIONER,	:	ADMINISTRATIVE ACTION
	:	
v.	:	FINAL AGENCY DECISION
	:	
DIVISION OF MEDICAL ASSISTANCE	:	OAL DKT. NO. HMA 2082-2016
	:	
AND HEALTH SERVICES AND	:	
	:	
HUNTERDON COUNTY BOARD OF	:	
	:	
SOCIAL SERVICES,	:	
	:	
RESPONDENTS.	:	

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 in this matter is April 16, 2018 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 receipt. The Initial Decision in this matter was received on March 1, 2018.

The matter arises regarding the determination that Petitioner was subject to a transfer penalty due to gifting her son \$55,000 in equity so as to purchase her house. Due to financing requirements, her son was required to pay 20% of the \$275,000 sale price. That sale price was based on an appraisal by Quicken Loans. R-1. Hunterdon County determined eligibility as of February 1, 2016 but imposed a penalty of 165 days.

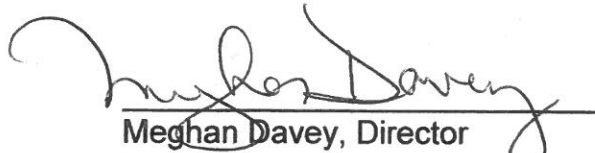
The ALJ upheld the transfer penalty as Petitioner did not rebut the presumption that the transfer was done for the purpose of qualifying for Medicaid. N.J.A.C. 10:71-4.10(j). It was not an arms-length transaction and was done after Petitioner entered an assisted living facility. Additionally, the after-the-fact assessment was based in some part on Petitioner's son's description of the house. Rather the assessment done by the lending institution that financed the sale is a more accurate gauge of the value of the property.

Based upon my review of the record, I hereby ADOPT the Administrative Law Judge's recommended decision concluding that Petitioner was properly assessed a penalty of 165 days.

THEREFORE, it is on this 11th day of APRIL 2018,

ORDERED:

That the Initial Decision is hereby ADOPTED.


Meghan Davey, Director
Division of Medical Assistance
and Health Services