



**State of New Jersey**  
**Department of Human Services**  
**Division of Medical Assistance and Health Services**  
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**PHILIP D. MURPHY**  
Governor

**Carole Johnson**  
Commissioner

**Sheila Y. Oliver**  
Lt. Governor

**Meghan Davey**  
Director

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

R.S.,

PETITIONER,

**ADMINISTRATIVE ACTION**

v.

**FINAL AGENCY DECISION**

DIVISION OF MEDICAL ASSISTANCE

**OAL DKT. NO. HMA 18347-17**

AND HEALTH SERVICES AND

MIDDLESEX 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. Neither Party filed exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to file a Final Agency Decision in this matter is August 16, 2018, in accordance with an Order of Extension. The Initial Decision in this matter was received on May 17, 2018.

At issue is a 405 day penalty imposed due to Petitioner's transfers totaling \$171,875.41. In determining Medicaid eligibility for someone seeking institutionalized benefits, the counties must review five years of financial history. Under the regulations, "[i]f an individual . . . (including any person acting with power of attorney or as a guardian for such individual) has sold, given away, or otherwise transferred any assets (including any interest in an asset or future rights to an asset) within the look-back period" a transfer penalty of ineligibility is assessed. N.J.A.C. 10:71-4.10 (c). It is Petitioner's burden to overcome the presumption that the transfer was done – even in part – to establish Medicaid eligibility. The presumption that the transfer of assets was done to qualify for Medicaid benefits may be rebutted "by presenting convincing evidence that the assets were transferred exclusively (that is, solely) for some other purpose." N.J.A.C. 10:71-4.10(j). The Administrative Law Judge found that the Petitioner had failed to meet his burden of proof that the resources were transferred for some reason other than to qualify for Medicaid and affirmed the transfer penalty. After reviewing the record, I concur with the ALJ's finding and ADOPT the Initial Decision in its entirety.

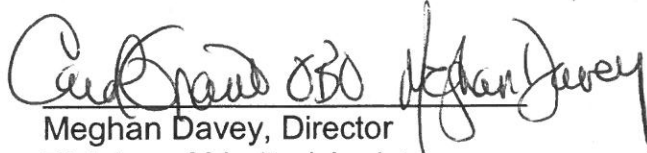
Here, Petitioner transferred his 50% ownership interest in a condominium apartment to his son for \$10, which is less than the estimated fair market value of \$171,875.41. Petitioner was unable to provide any corroborating evidence to establish that the transfers were done for a purpose other than to qualify for Medicaid benefits.

THEREFORE, it is on this 6<sup>th</sup> day of AUGUST

2018,

ORDERED:

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

A handwritten signature in black ink, appearing to read "Carol Kraw" followed by a circled "830" and "Meghan Davey". The signature is written over a horizontal line.

Meghan Davey, Director  
Division of Medical Assistance  
and Health Services