



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CAROLE JOHNSON
Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

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

G.L.,	:	
	:	
PETITIONER,	:	ADMINISTRATIVE ACTION
	:	
v.	:	FINAL AGENCY DECISION
	:	
DIVISION OF MEDICAL ASSISTANCE	:	OAL DKT. NO. HMA 02112-22
	:	
AND HEALTH SERVICES AND	:	
	:	
MONMOUTH COUNTY BOARD OF	:	
	:	
SOCIAL SERVICES,	:	
	:	
RESPONDENTS.	:	

As Assistant Commissioner for 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. Neither party filed exceptions in this matter. Procedurally, the time period for the Agency Head to file a Final Agency Decision in this matter is November 21, 2022 in accordance with an Order of Extension. The Initial Decision was received on August 23, 2022.

This matter arises from the Monmouth County Board of Social Services' (MCBSS) March 9, 2022 determination that Petitioner transferred \$63,800 during the look-back period and was therefore subject to a 176 day transfer penalty. In determining Medicaid eligibility

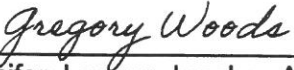
for someone seeking institutionalized benefits, the counties must review five years of financial history. Under the regulations, “[i]f an individual . . . (including any person acting with power of attorney or as a guardian for such individual) has sold, given away, or otherwise transferred any assets (including any interest in an asset or future rights to an asset) within the look-back period” a transfer penalty of ineligibility is assessed.¹ 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 ALJ concluded that the preponderance of credible evidence established that Petitioner made the transfers for a reason other than to qualify for Medicaid eligibility. After reviewing the record, I concur with the ALJ’s findings and, due to the unique facts and circumstances presented here, ADOPT the Initial Decision.

THEREFORE, it is on this 21st day of NOVEMBER 2022,

ORDERED:

That the Initial Decision is hereby ADOPTED.

 OBO JLJ

Jennifer Larter Jacobs, Assistant Commissioner
Division of Medical Assistance
and Health Services

¹ Congress understands that applicants and their families contemplate positioning assets to achieve Medicaid benefits long before ever applying. To that end, Congress extended the look back period from three years to five years. Deficit Reduction Act of 2005, P.L. 109-171, § 6011 (Feb. 8, 2006).