

State of New Jersey

PHILIP D. MURPHY Governor

SHEILA Y. OLIVER
Lt. Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
PO Box 712
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SARAH ADELMAN Acting Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

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

J.L.,

PETITIONER,

ADMINISTRATIVE ACTION

٧.

FINAL AGENCY DECISION

SUSSEX COUNTY BOARD

OF SOCIAL SERVICES,

OAL DKT. NO. HMA 08651-21

RESPONDENTS.

As Assistant Commissioner for 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 render a Final Agency Decision is March 22, 2022 in accordance with an Order of Extension. The Initial Decision was received on December 22, 2021.

This matter arises from the Sussex County Board of Social Services' (SCBSS)

September 8, 2021 determination that Petitioner transferred \$13,952.10 during the look-back

period and was therefore subject to a transfer penalty. Medicaid law contains a presumption

that any transfer for less than fair market value during the look-back period was made for the

purpose of establishing Medicaid eligibility. See E.S. v. Div. of Med. Assist. & Health Servs.,

412 N.J. Super. 340 (App. Div. 2010); N.J.A.C. 10:71-4.10(i). The applicant, "may rebut the

presumption that assets were transferred to establish Medicaid eligibility 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). 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).

It is undisputed that the Petitioner transferred \$13,952.10 to his daughter during the

Medicaid application look-back period. However, Petitioner argues that these payments

were reimbursement for necessary goods his daughter purchased for him. Petitioner has not

provided any documentary evidence to support this claim. Consequently, Petitioner has

failed to rebut the presumption that the transfers were solely for a purpose other than

qualifying for Medicaid.

THEREFORE, it is on this 22nd day of FEBRUARY 2022,

ORDERED:

That the Initial Decision is ADOPTED.

Jennifer Langer Jacobs, Assistant Commissioner

Division of Medical Assistance

and Health Services