

January 18, 2022 determination that Petitioner transferred \$194,000 during the look-back period and was therefore subject to a 757 day transfer penalty. The matter was initially transmitted to the Office of Administrative Law (OAL) on February 10, 2022. A hearing was held on May 4, 2022 and an Initial Decision was issued which reversed the imposition of the transfer penalty. On August 5, 2022, the Assistant Commissioner reversed and remanded the matter to the OAL for additional documentation and testimony.

The New Jersey Medicaid Comprehensive Waiver permits those who have income that is equal to or below the Federal Poverty Level (FPL) to self-attest that assets or resources have not been transferred, in lieu of the five year look-back process. Med-Com 12-18. The form must be completed when: (1) an individual has income equal to or below the FPL; (2) an individual is in need of an institutional level of care, and (3) has stated that no assets or resources have been transferred in the previous sixty months. Med-Com 16-01. When an individual is already receiving NJ FamilyCare ABD (non-institutional) benefits, is enrolled in managed care, and appears to need long term services and supports, the MCO care manager is responsible for completing the clinical assessment needed to determine level of care. Med-Com 16-01. The MCO also distributes the Transfer of Assets Self-Attestation Form and notifies DMAHS of the members need for long term care. Med-Com 16-01.

Based on the evidence in the evidence in the record, I concur with the ALJ. Sometime in May 2016, Petitioner was transferred from ABD to MLTSS. This change did not become known to Bergen County until October 26, 2020. Petitioner also claimed to be unaware of the change in her status. There is no evidence in the record to support a finding that Petitioner was made aware of the change in the Medicaid program for which she originally applied, including the Transfer of Assets Self-Attestation Form.

THEREFORE, it is on this 5th day of DECEMBER 2022,

ORDERED:

That the Initial Decision is ADOPTED.

A handwritten signature in cursive script, appearing to read "Jennifer Langer Jacobs".

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