



Medicaid program. ID at 1. On May 27, 2025, a New Jersey Choice Assessment was conducted by regional staff nurse, Tara Morris, R.S.N., who is employed by the Office of Community Choice Options (OCCO). Id. at 2. As a result, OCCO determined that Petitioner was ineligible for nursing facility level of care. Id. at 5. The Initial Decision upheld the denial as the Administrative Law Judge (ALJ) found that Petitioner had not established, by a preponderance of the evidence, that Petitioner satisfied the clinical criteria for Medicaid.

In order to receive Long-Term Care Services, Petitioner had to be found clinically eligible. The mechanism for determining clinical eligibility is a pre-admission screening (PAS) that is completed by “professional staff designated by the Department, based on a comprehensive needs assessment which demonstrates that the recipient requires, at a minimum, the basic [nursing facility] NF services described in N.J.A.C. 8:85-2.2.” N.J.A.C. 10:166-2.1(a). See also, N.J.S.A. 30:4D-17.10, et seq.

Individuals found clinically eligible “may have unstable medical, emotional/behavioral and psychosocial conditions that require ongoing nursing assessment, intervention and/or referrals to other disciplines for evaluation and appropriate treatment. Typically, adult NF residents have severely impaired cognitive and related problems with memory deficits and problem solving. These deficits severely compromise personal safety and, therefore, require a structured therapeutic environment. NF residents are dependent in several activities of daily living (bathing, dressing, toilet use, transfer, locomotion, bed mobility, and eating).” N.J.A.C. 10:166-2.1.

Further, pursuant to NJ FamilyCare Comprehensive Demonstration, Section 1115 adult (ages twenty-one and older) individuals must be clinically eligible for MLTSS services when the individuals’ standardized assessment demonstrates that the individuals satisfied any one or more of the following three criteria:

a. The individuals:

- i. Requires limited assistance or greater with three or more activities of daily living;
- ii. Exhibits problems with short-term memory and is minimally impaired or greater with decision making abilities and requires supervision or greater with three or more activities of daily living;
- iii. Is minimally impaired or greater with decision making and, in making himself or herself understood, is often understood or greater and requires supervision or greater with three or more activities of daily living.<sup>1</sup>

Here, the nursing assessment noted that Petitioner was cognitively intact, and the records shows that she was independent in at least six of the seven ADLS. ID at 11. Therefore, the ALJ concluded that Petitioner was not eligible for NF level of care. Ibid. The Petitioner was observed more than once to transfer and ambulate independently. Ibid. The Petitioner also advised Morris that she showered and dressed herself and made her own breakfast of fried eggs and toast on the stove, and that she goes outside to water the plants, ascends and descends the flight of stairs independently, and utilizes a treadmill. Ibid. Petitioner also advised Morris that she is independent in blood sugar monitoring and injections and she was able to recall her blood sugar numbers. Ibid.

I concur with the ALJ's determination that according to the evidence presented, Petitioner does not meet the clinical criteria for Medicaid as outlined in N.J.A.C. 10:166-2.1 or the New Jersey FamilyCare Comprehensive Demonstration. It is undisputed that Petitioner demonstrates the ability to independently perform six out of seven of their ADLs and does not have a cognitive impairment impacting decision making.

Thus, for the reasons set forth above and those contained in the Initial Decision, I hereby ADOPT the Initial Decision in this matter.

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<sup>1</sup> New Jersey FamilyCare Comprehensive Demonstration Approval Period: April 1, 2023 through June 30, 2028.

The Petitioner may reapply for MLTSS services if her medical status or condition has changed since the May 2025 assessment.

THEREFORE, it is on this 18th day of March 2026,

ORDERED:

That the Initial Decision is hereby ADOPTED.

*Gregory Woods*

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Gregory Woods, Assistant Commissioner  
Division of Medical Assistance and Health Services