MIKIE SHERRILL
Governor

DR. DALE G. CALDWELL
Lt. Governor

State of New Jersey
DEPARTMENT OF HUMAN SERVICES
Division of Medical Assistance and Health Services
P.O. Box 712
Trenton, NJ 08625

STEPHEN CHA, MD, MHSR
Commissioner

GREGORY WOODS
Assistant Commissioner

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

J.T.,	
PETITIONER,	**ADMINISTRATIVE ACTION**
v.	**FINAL AGENCY DECISION**
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES AND OFFICE OF COMMUNITY CHOICE OPTIONS,	**OAL DKT. NO. HMA 08254-26**
RESPONDENTS.	

As Assistant Commissioner for the Division of Medical Assistance and Health Services (DMAHS), I have reviewed the record in this case, including the Initial Decision and the Office of Administrative Law (OAL) case file. Petitioner filed exceptions in this matter, which were received by DMAHS on August 31, 2026, and therefore are out of time. Procedurally, the time period for the Agency Head to render a Final Agency

Decision is September 14, 2026, in accordance with N.J.S.A. 52:14B-10 which requires an Agency Head to adopt, reject, or modify the Initial Decision within 45 days of the agency's receipt. The Initial Decision was received on July 29, 2026.

This matter arises from the Division of Aging Services" (DoAS) February 2, 2026, denial of clinical eligibility under N.J.A.C. 10:166. (R-6). On February 2, 2026, a New Jersey Choice Assessment was conducted by registered nurse, Aminat Ajadi, R.N., where Petitioner resided. (R-7). As a result, the Office of Community Choice Options (OCCO) determined that Petitioner was ineligible for nursing home level of care finding that Petitioner was not cognitively impaired or dependent on physical assistance with three or more Activities of Daily Living (ADL). (R-7). 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. ID at 6.

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 nursing facility 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. Nursing facility 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. [1]

Here, Petitioner's diagnoses include lumbar spinal stenosis, bipolar disorder and schizophrenia. (R-7). The nursing assessment noted that Petitioner performed all ADLs independently including eating, bathing, personal hygiene, dressing upper/lower body, transfers, toileting and locomotion. (R-7). Petitioner was also alert and oriented to person, place, time, and situation. Ibid. It was determined that his memory was not impaired as evidenced by his ability to recall three out of three unrelated objects. Ibid.

During the Fair Hearing, Nurse Aminat testified that she met with, observed, and interviewed Petitioner. ID at 4. Nurse Aminat observed that Petitioner was able to walk without assistance and that Petitioner was alert, oriented, and cognitively intact. Ibid.

[1] New Jersey FamilyCare Comprehensive Demonstration Approval Period: April 1, 2023 through June 30, 2028.

Petitioner reported to Nurse Aminat that he can perform all ADLs. (R-7).

In response, Petitioner testified that he had difficulty with toileting and requires assistance. ID at 3. He stated that he urinated in a bottle and would use a crate for bowel movements and that he did not inform Nurse Aminat of this because he was apprehensive of Nurse Aminat. Ibid.

In the Initial Decision the ALJ found that Petitioner was not credible in his statements that he did not advise Nurse Aminat that he required assistance with any ADL as he was "apprehensive" of her and that he required assistance with toileting. ID at 4. The ALJ also found that Petitioner did not require any assistance with ADLs, based on Nurse Aminat's observations and Petitioner's own responses during the assessment. Ibid. Therefore, the Initial Decision upheld OCCO's determination that Petitioner is not entitled to nursing facility level of services because Petitioner did not meet the clinical criteria for Medicaid at the time of OCCO's denial. ID at 6.

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. Based on the evidence presented, the ALJ concluded that Petitioner is not cognitively impaired and can perform all ADLs independently. Petitioner did not demonstrate that he is clinically eligible for nursing facility level of services.

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

THEREFORE, it is on this 11th day of SEPTEMBER, 2026,

ORDERED:

That the Initial Decision is hereby ADOPTED.

Gregory Woods

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