



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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Director

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

I.G.,

PETITIONER,

v.

HORIZON NJ HEALTH,

RESPONDENT

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 09734-16

As Director of 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 contents of the OAL case file. No exceptions to the Initial Decision were filed. Procedurally, the time period for the Agency Head to render a Final Agency Decision is October 3, 2016, 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 August 18, 2016.

Based upon my review of the record, I hereby ADOPT the findings, conclusions and recommended decision of the Administrative Law Judge in their

entirety and incorporate the same herein by reference. I agree with the Administrative Law Judge that the credible evidence in this record indicates that Petitioner does not satisfy the clinical eligibility criteria necessary to qualify for adult day health services pursuant to N.J.A.C. 10:164-1.5. In order to qualify for services, the regulations state that the individual must require limited assistance with a minimum of two activities of daily living (ADL) provided by the facility, have at least one skilled service provided by the facility, a rehabilitation need or require supervision and cueing in at least three ADLs and have problems with cognitive functioning. N.J.A.C. 10:164-1.5(f).

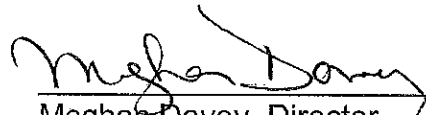
Petitioner contends that she meets the criteria for adult day health services because her need for blood glucose and blood pressure monitoring qualifies as a skilled service. However, there is no indication that she had unstable blood glucose or blood pressure that required continuous physician or advanced practice nurse intervention. This is clearly a regulatory requirement. Indeed, N.J.A.C. 10:164-1.2 specifically states: skilled service "means a needed skilled service provided by an RN or a licensed practical nurse, including but not limited to: . . . (3). Nurse monitoring (for example, medication administration, pacemaker checks, or the monitoring of urinary output, unstable blood glucose or unstable blood pressure that requires physician and/or advanced practice nurse intervention) . . ." (emphasis added). Petitioner's medical records from the day care facility confirm that her blood glucose and blood pressure were within normal limits in the three months preceding Horizon NJ Health's denial.

Based on the foregoing, I agree with Horizon that Petitioner has not satisfied the skilled service requirement necessary to qualify for adult day health services. Should Petitioner's condition deteriorate, she may reapply for services. Additionally, it appears that Petitioner may qualify for social day care, and I suggest that she contact the New Jersey Aging and Disability Resource Connection at 1-877-222-3737 for information about available programs and services.

THEREFORE, it is on this *22nd* day of September 2016,

ORDERED:

That the Initial Decision affirming the termination of eligibility for adult day health services is hereby ADOPTED as the Final Decision in this matter.



Meghan Davey, Director
Division of Medical Assistance
and Health Services
