



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CAROLE JOHNSON
Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

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

C.R.,

PETITIONER,

v.

OFFICE OF COMMUNITY CHOICE

OPTIONS,

RESPONDENT.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 8553-2019

As Assistant Commissioner for the Division of Medical Assistance and Health Services, I have reviewed the record in this matter, consisting of the case file, the documents in evidence and the Initial Decision. No exceptions were filed in the matter. Procedurally, the time period for the Agency Head to file a Final Agency Decision in this matter is September 30, 2019, 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 receipt. The Initial Decision in this matter was received on August 16, 2019.

This matter concerns the termination of Petitioner's clinical eligibility in April 2019. Petitioner had been found to meet the pediatric skilled nursing level of care previously. As a result of a review by Petitioner's managed care organization, an assessment of his clinical

status was performed by the Office of Community Choice Options (OCCO) in the Division of Aging Services.


During that assessment Petitioner was observed ambulating, eating and speaking. While he had a tracheostomy and G-tube, both have been removed. R-2. He is now fourteen years old and attends school. He has feeding therapy and is able to eat and drink independently. At the time of the assessment, Petitioner's mother received options counseling about other community services that might be available. The ALJ notes that while Petitioner does have challenges for care based on his autism diagnosis and his respiratory conditions, he does not need complex skilled nursing.

Based upon my review of the record, I hereby ADOPT the recommended decision of the Administrative Law Judge in its entirety and incorporate the same herein by reference. I agree that that Petitioner does not satisfy the clinical eligibility criteria necessary to qualify for nursing facility level of care pursuant to N.J.A.C. 8:85-2.1 and 2.2.

THEREFORE, it is on this ^{6th} day of SEPTEMBER 2019,

ORDERED:

That the Initial Decision is hereby ADOPTED.


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