

## State of New Jersey Department of Human Services Division of Medical Assistance and Health Services P.O. BOX 712

TRENTON NJ 08625-0712

PHILIP D. MURPHY Governor

Carole Johnson Commissioner

Sheila Y. Oliver Lt. Governor

Meghan Davey Director

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

E.A.,

PETITIONER.

**ADMINISTRATIVE ACTION** 

FINAL AGENCY DECISION

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OAL DKT. NO. HMA 02576-19

OFFICE OF COMMUNITY CHOICE
OPTIONS, DIVISION OF AGING
SERVICES,

RESPONDENTS.

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. Procedurally, the time period for the Agency Head to render a Final Agency Decision is June 27, 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 the agency's receipt. No exceptions to the Initial Decision were filed. The Initial Decision was received on May 13, 2019.

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 This matter arises from the Division of Aging Services, Office of by reference. Community Choice Options (OCCO) January 28, 2019 determination that Petitioner was no longer clinically eligible for Nursing Facility Level of Care pursuant to N.J.A.C. 8:85-Eligibility for nursing facility services is determined by the professional staff designated by the Department based on a comprehensive needs assessment that demonstrates that the beneficiary requires nursing home level of care. N.J.A.C. 8:85-2.1. The credible evidence in the record indicates that Petitioner does not satisfy the clinical eligibility criteria necessary to qualify for Nursing Facility Level of Care. Petitioner may request a reassessment should his condition change.

THEREFORE, it is on this \\ \text{Y} day of JUNE 2019,

ORDERED:

That the Initial Decision affirming the termination of clinical eligibility for nursing level of care is hereby ADOPTED.

> ssistance OBO Meghon Power Division of Medical Assistance

and Health Services