

Services, Office of Community Choice Options' (OCCO), April 22, 2019 determination that Petitioner was not clinically eligible for Nursing Facility Level of Care pursuant to N.J.A.C. 8:85-2.1. Eligibility for nursing facility services is determined by the professional staff designated by the Department of Human Services 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. An adult meets the qualifications for nursing home level of care when he or she is unable to perform a minimum of three ADLs, such as bathing, toileting, and locomotion. N.J.A.C. 8:85-2.1(a)(1). I agree with the ALJ that the credible evidence in the record establishes that Petitioner does not satisfy the eligibility criteria necessary to qualify for Nursing Facility Level of Care pursuant to N.J.A.C. 8:85-2. Petitioner presented no evidence to contradict this determination.

As noted in the Assessment report, the Petitioner was provided information for other options, including Meals on Wheels and the Workability Program. Additionally, Petitioner may request a reassessment should her condition change.

THEREFORE, it is on this *25* day of AUGUST 2019,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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