

State of New Jersey

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER Lt. Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
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CAROLE JOHNSON Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

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

E.M.

PETITIONER,

ADMINISTRATIVE ACTION

V.

FINAL AGENCY DECISION

OFFICE OF COMMUNITY CHOICE, OPTIONS, DIVISION OF AGING SERVICES.

OAL DKT. NO. HMA 07295-19

RESPONDENT.

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this matter including the Initial Decision 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 August 22, 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 was received on July 8, 2019.

Based on my review of the record, I hereby ADOPT the findings, conclusions and recommended decision of the Administrative Law Judge (ALJ) in their entirety and incorporate the same herein by reference. This matter arises from the Division of Aging

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 Aday of AUGUST 2019,

ORDERED:

That the Initial Decision is hereby ADOPTED.

Jennifer Langer Jacobs, Assistant Commissioner

Division of Medical Assistance

and Health Services