

3) yearly assessments to determine clinical eligibility. Ibid. Further, the letter indicates that to establish clinical eligibility for MLTSS, an individual must meet “nursing facility level of care as defined in N.J.A.C. 8:85-2.1, which states an individual must be dependent in several activities of daily living (bathing, dressing, toilet use, transfer, locomotion, bed mobility and eating).” Ibid.

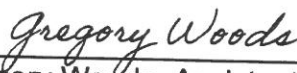
The Initial Decision determined that Petitioner was involuntarily disenrolled from MLTSS because he failed to comply with the annual reassessment for clinical eligibility. ID at 2. The Initial Decision also determined that OCCO had “established by a preponderance of the credible evidence that on May 2, 2024, Petitioner was properly disenrolled from MLTSS.”¹ ID at 3. Lastly, the Initial Decision determined that Petitioner was reassessed on July 9, 2024, and on July 12, 2024, Petitioner was approved for MLTSS services. ID at 2, R-5.

Accordingly, for the reasons set forth above, I FIND that Petitioner was properly disenrolled from MLTSS for failure to complete the yearly assessment in accordance with N.J.A.C. 8:85-2.1. However, I note that due to the subsequent reassessment, the member re-established clinical eligibility and no actual interruption in coverage took place.

THEREFORE, it is on this 29th day of JANUARY 2025,

ORDERED:

That the Initial Decision is hereby ADOPTED as set forth above.



Gregory Woods, Assistant Commissioner
Division of Medical Assistance
and Health Services

¹ It should be noted that the ALJ mistakenly notes Petitioner was disenrolled from MLTSS on May 2, 2024. This information differs from what is reflected in the May 2nd correspondence since no disenrollment date was provided. Despite this inconsistency, the outcome of this case remains.