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

S.T.,	:	
	:	
PETITIONER,	:	ADMINISTRATIVE ACTION
	:	
v.	:	FINAL AGENCY DECISION
	:	
DIVISION OF MEDICAL ASSISTANCE :	:	OAL DKT. NO. HMA 10222-24
AND HEALTH SERVICES AND	:	
OFFICE OF COMMUNITY CHOICE	:	
OPTIONS,	:	
	:	
RESPONDENTS.	:	

As Assistant Commissioner for the Division of Medical Assistance and Health Services (DMAHS), I have reviewed the record in this case, including the Initial Decision and the Office of Administrative Law (OAL) case file. Neither party filed exceptions in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is March 14, 2024.

This matter arises from the Division of Aging Services' (DoAs) June 4, 2024 denial of clinical eligibility under N.J.A.C. 8:85-2.1. (R-5). Petitioner began receiving Managed

Long-Term Services and Support (MLTSS) on March 16, 2024, at a long term care facility. (R-4). On May 31, 2024, a New Jersey Choice Assessment was conducted by registered nurse, Carolyn Burton, R.N., at the facility where Petitioner resided. As a result, OCCO determined that Petitioner was ineligible for nursing home level of care finding that Petitioner was not cognitively impaired or dependent on physical assistance with three or more Activities of Daily Living (ADL). (R-4). The Initial Decision upheld the denial as the Administrative Law Judge (ALJ) found that Petitioner had not established, by a preponderance of the evidence, that Petitioner satisfied the clinical criteria for Medicaid. I agree with the ALJ's findings.

In order to receive Long-Term Care Services, Petitioner had to be found clinically eligible. The mechanism for determining clinical eligibility is a pre-admission screening (PAS) that is completed by "professional staff designated by the Department, based on a comprehensive needs assessment which demonstrates that the recipient requires, at a minimum, the basic [nursing facility] NF services described in N.J.A.C. 8:85-2.2." N.J.A.C. 8:85-2.1(a). See also, N.J.S.A. 30:4D-17.10, et seq.

Individuals found clinically eligible "may have unstable medical, emotional/behavioral and psychosocial conditions that require ongoing nursing assessment, intervention and/or referrals to other disciplines for evaluation and appropriate treatment. Typically, adult NF residents have severely impaired cognitive and related problems with memory deficits and problem solving. These deficits severely compromise personal safety and, therefore, require a structured therapeutic environment. NF residents are dependent in several activities of daily living (bathing, dressing, toilet use, transfer, locomotion, bed mobility, and eating)." N.J.A.C. 8:85-2.1(a)1.

Further, pursuant to NJ FamilyCare Comprehensive Demonstration, Section 1115 adult (ages twenty-one and older) individuals must be clinically eligible for MLTSS services when the individuals' standardized assessment demonstrates that the individuals satisfied any one or more of the following three criteria:

- a. The individuals:
 - i. Requires limited assistance or greater with three or more activities of daily living;
 - ii. Exhibits problems with short-term memory and is minimally impaired or greater with decision making abilities and requires supervision or greater with three or more activities of daily living;
 - iii. Is minimally impaired or greater with decision making and, in making himself or herself understood, is often understood or greater and requires supervision or greater with three or more activities of daily living.¹

Here, the nursing assessment noted that Petitioner performed all ADLs independently including eating, bathing, personal hygiene, dressing upper/lower body, transfers, toileting and locomotion, despite the use of a cane walker as needed. (R-4). Independence with ADLs was further confirmed by Petitioner's social worker, the Director of Nurses for the NF, and by Petitioner themselves as demonstrated in the Minium Data Sets from February 23, 2024 and May 24, 2024. It was noted that Petitioner may need supervision with cooking and homemaking services. (R-10, R-11).

While Petitioner exhibited a short-term memory problem, Petitioner's procedural and situational memory were intact. Petitioner was able to make themselves understood and had the ability to understand others. Petitioner was observed to have appropriate

¹ New Jersey FamilyCare Comprehensive Demonstration Approval Period: April 1, 2023 through June 30, 2028.

judgment and insight, adequate attention, and to be independent in daily decision making. (R-4). Petitioner did not challenge OCCO's assessment or conclusions that he was independent in his ADLS, but rather asserted that he needed time to find a place to live. The nursing assessment confirms Petitioner was provided "options counseling" including information regarding housing resources. (R-4).

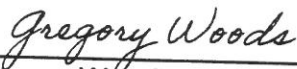
I concur with the ALJ's determination that according to the evidence presented, Petitioner does not meet the clinical criteria for Medicaid as outlined in N.J.A.C. 8:85-2.1 or the New Jersey FamilyCare Comprehensive Demonstration. It is undisputed that Petitioner demonstrates the ability to independently perform their ADLs, and does not have a cognitive impairment impacting decision making.

Thus, for the reasons set forth above and those contained in the Initial Decision, I hereby ADOPT the Initial Decision in this matter.

THEREFORE, it is on this 3rd day of MARCH 2025,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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