



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

JENNIFER VELEZ
Commissioner

VALERIE HARR
Director

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

A.A.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE :
AND HEALTH SERVICES AND :
DIVISION OF DISABILITY SERVICES, :

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 01436-14

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, the contents of the OAL case file and the exceptions filed by both parties. Procedurally, the time period to render a Final Agency Decision in this matter is September 2, 2014, 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. The Initial Decision was received on July 17, 2014.

I hereby ADOPT the Initial Decision in its entirety and incorporate the same herein by reference. I agree that the matter should be returned to the Division of Disability Services for an assessment of A.A. to be performed at her school.

I am not persuaded that Nurse Surujballi should be precluded from performing this assessment. Indeed, the evidence in this record suggests that Nurse Surujballi was unable to complete the assessment at issue because she was given false information by Petitioner's family that A.A.'s twin sister was in fact A.A. Moreover, if Petitioner is not satisfied with the results of the new assessment, she may request a new fair hearing at that point.

THEREFORE, it is on this 21st day of August 2014,

ORDERED:

That this matter is remanded to the Division of Disability Services for a new assessment of A.A.



Valerie J. Harr, Director
Division of Medical Assistance
and Health Services