



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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Commissioner

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Director

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

OCEAN MENTAL HEALTH SERVICES,	:	
	:	
	:	ADMINISTRATIVE ACTION
PETITIONER	:	
	:	FINAL AGENCY DECISION
v.	:	
	:	OAL DKT. NO. HMA 02330-14
DIVISION OF MEDICAL ASSISTANCE	:	
	:	
AND HEALTH SERVICES AND	:	
	:	
CUMBERLAND COUNTY BOARD	:	
	:	
OF SOCIAL SERVICES,	:	
	:	
	:	
RESPONDENTS.	:	

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 Petitioner's exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to render a Final Agency Decision is December 5, 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 October 21, 2014.

Based upon my review of the record, I hereby ADOPT the Initial Decision with clarification. N.J.A.C. 10:66-2.7(i) 1-5 sets forth the requirements for reimbursement of prevocational services provided to eligible beneficiaries. It states that "the Division [DMAHS] will reimburse a provider for prevocational services provided to eligible beneficiaries within the context of a partial care program...when all of the following requirements are met:

1. The therapeutic subcontract work activity shall consist of production, assembly and/or packing/collating tasks for which individuals with disabilities performing these tasks are paid less than minimum wage, and, pursuant to 29 C.F.R. § 525, a special minimum wage certificate has been issued to the organization/program by the U.S. Department of Labor;
2. The individual's plan of care shall contain a stipulation that the therapeutic subcontract work activity is a form of intervention intended to address the individual deficits of the patient as identified in the client's assessment;
3. The therapeutic subcontract work activity shall be facilitated by a qualified mental health services worker;
4. The therapeutic subcontract work activity shall be performed within the line of sight of the qualified mental health services worker; and
5. The staff to client ratio shall not exceed a ratio of 1:10 qualified mental health services worker to client."

N.J.A.C. 10:66-2.7(i) 1-5.

Adherence to these requirements is ascertained by auditing patient files under the guidance of the regulation and its subsections, in this case, N.J.A.C.

10:66-2.7(j) and N.J.A.C. 10:66-2.7(l). When read together, it is clear that the New Jersey Medicaid program will not reimburse a claim that is not in compliance with the regulation. Accordingly, DMAHS was correct to cite to N.J.A.C. 10:66-2.7(i). Petitioner did not have the appropriate documentation in the file and records were not readily available to the auditor. Without these documents, DMAHS could not determine whether Petitioner met the requirements for reimbursement of services rendered.

In exceptions, Petitioner asserts that the ALJ found as fact that the patient records in question were on the computer. This is incorrect. The ALJ summarized the testimony of Kimberly Veith, witness for OMHS, who stated the patient records were on the computer. The ALJ, after considering all of the testimony and documentary evidence, found as fact, that the records in question were not available to DMAHS during the audit and the psychiatrists reports were not timely completed and placed in the file.

THEREFORE, it is on this 24th day of NOVEMBER, 2014,

ORDERED:

That the Initial Decision hereby ADOPTED.



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