



State of New Jersey  
DEPARTMENT OF HUMAN SERVICES

Division of Disability Services

P.O. Box 705

Trenton, NJ 08625-0705

PHILIP D. MURPHY  
Governor

SARAH ADELMAN  
Commissioner

TAHESHA L. WAY  
Lt. Governor

PERI L. NEARON  
Executive Director

STATE OF NEW JERSEY  
DEPARTMENT OF HUMAN SERVICES  
DIVISION OF DISABILITY SERVICES

T [REDACTED] G [REDACTED]  
Petitioner,

v.

NEW JERSEY DIVISION OF  
DISABILITY SERVICES,  
Respondent.

:  
: ADMINISTRATIVE ACTION  
:  
: FINAL AGENCY DECISION  
:  
: OAL DKT. No.: HDS 03576-2023N  
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As the Executive Director of Respondent New Jersey Division of Disability Services (the "Division" or "DDS"), I reviewed the record in this matter consisting of the Initial Decision of the Honorable JoAnn LaSala Candido, Administrative Law Judge ("ALJ"), and the file of the Office of Administrative Law ("OAL"). The Initial Decision was issued on September 13, 2023.

This matter arises from Petitioner's challenge to the denial of payment for specialized counseling sessions from the New Jersey Traumatic Brain Injury Fund (the "Fund"), a non-Medicaid funded program. See N.J.S.A. 30:6F-1 et seq. Petitioner is an eligible recipient of Fund services and in March 2023 the Fund approved the payment

of several services. On April 18, 2023, the Fund denied one requested service: anger management counselling services from Neuropsychology and Counseling Associated, LLC. Petitioner objects to this denial of funding.

On April 26, 2023, Petitioner requested a hearing in the Office of Administrative Law (OAL); Respondent transmitted the matter the same date. Prior to a hearing, Respondent moved for summary decision pursuant to N.J.A.C. 1:1-12.5. Petitioner did not file opposition or other responsive papers.

In its April 18, 2023 decision denying payment of the counseling services, the Division cited N.J.A.C. 10:141-1.12 and N.J.A.C. 10:141-1.5(a)2.v. In short, those provisions, preclude the Fund, a program with limited resources, from paying the costs of services covered by other government programs, such as Medicaid. Petitioner is a Medicaid beneficiary and the counseling services he seeks are a covered Medicaid benefit. Accordingly, the Fund denied the request and directed Petitioner to seek payment from the Medicaid program.

There is no genuine dispute as to these facts. As noted earlier, Petitioner has not come forward to rebut Respondent's argument nor has he filed exceptions to the Initial Decision. In the Initial Decision, ALJ Candido concluded that Petitioner's request for counseling services from Neuropsychology and Counseling Associated, LLC was ineligible for coverage from the Fund because the same or similar service was available through the use of his Medicaid benefits nor could the Fund cover the costs of services from a provider who chooses not to accept Medicaid.

The record supports the Initial Decision.

Based on my review of the record, I concur with the ALJ's findings and hereby **ADOPT** the Initial Decision.

THEREFORE, it is on this **23<sup>rd</sup>** day of October 2023

ORDERED:

That the Initial Decision is hereby **ADOPTED**;

AND FURTHER ORDERED:

That the Division may enforce its decision immediately.

  
Peri L. Nearon, MPA  
Executive Director