



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
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Governor

SHEILA Y. OLIVER
Lt. Governor

CAROLE JOHNSON
Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

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

M.G.,

PETITIONER,

v.

OFFICE OF COMMUNITY CHOICE
OPTIONS, DIVISION OF AGING
SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 12335-19

As Assistant Commissioner for 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 and the contents of the OAL case file. Procedurally, the time period for the Agency Head to render a Final Agency Decision is January 13, 2020 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. No exceptions to the Initial Decision were filed. The Initial Decision was received on November 27, 2019.

Based on my review of the record, I hereby ADOPT the findings, conclusions and recommended decision of the Administrative Law Judge (ALJ) in their entirety and incorporate the same herein by reference. This matter arises from the Division of Aging Services, Office of Community Choice Options' (OCCO), August 7, 2019 determination that Petitioner was not clinically eligible for Nursing Facility Level of Care pursuant to N.J.A.C. 8:85-2.1. Eligibility for nursing facility services is determined by the professional staff designated by the Department of Human Services based on a comprehensive needs assessment that demonstrates that the beneficiary requires nursing home level of care. N.J.A.C. 8:85-2.1. An adult meets the qualifications for nursing home level of care when he or she is unable to perform a minimum of three ADLs, such as bathing, toileting, and locomotion. N.J.A.C. 8:85-2.1(a)(1). I agree with the ALJ that the credible evidence in the record establishes that Petitioner does not satisfy the eligibility criteria necessary to qualify for Nursing Facility Level of Care pursuant to N.J.A.C. 8:85-2. Petitioner presented no evidence to contradict this determination.

THEREFORE, it is on this 6th day of JANUARY 2020,

ORDERED:

That the Initial Decision is hereby ADOPTED.



Jennifer Langer Jacobs, Assistant Commissioner
Division of Medical Assistance
and Health Services