

The matter arises regarding the Division of Aging Services' (DoAs) December 11, 2019 denial of clinical eligibility under N.J.A.C. 8:85-2.1. Petitioner was assessed by the Office of Community Choice Options (OCCO) on April 23, 2019 at the nursing facility where he resided. He had no cognitive deficits and was able to perform all of his activities of daily living (ADLs). While he uses a wheelchair, he can transfer to toilet or to go to bed without assistance. ID at 3. The staff at the nursing facility confirmed that Petitioner does not have any difficulty performing his ADLs.

In order to receive Long-Term Care Services, Petitioner had to be found clinically eligible. The mechanism for this 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 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.

Here, Petitioner was assessed by an OCCO nurse and it was determined that he did not meet nursing home level of care, as he did not need assistance in any ADLs. The Initial Decision affirmed the denial of benefits based on OCCO's assessment, the clinician's observation, and statements from Petitioner and his Certified Nursing Assistant.

THEREFORE, it is on this ^{31st} day of MAY 2020,

ORDERED:

That the Initial Decision is hereby ADOPTED.

A handwritten signature in black ink, appearing to read "Jennifer Langer Jacobs", written over a horizontal line.

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