



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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Acting Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

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

A.C.,	:	
	:	
PETITIONER,	:	ADMINISTRATIVE ACTION
	:	
v.	:	FINAL AGENCY DECISION
	:	
DIVISION OF MEDICAL ASSISTANCE	:	OAL DKT. NO. HMA 6793-2020
	:	
AND HEALTH SERVICES,	:	
	:	
RESPONDENTS.	:	

As Assistant Commissioner for the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision, the OAL case file and the documents filed below. Petitioner filed exceptions in this matter. Procedurally, the time period for the Agency Head to file a Final Decision is June 3, 2021 in accordance with an Order of Extension.

The matter arises regarding the denial of Petitioner's request for a home modification provided under the Supports Program, a component of the Comprehensive Medicaid Waiver (CMW) that permits Medicaid beneficiaries eligible through the Division of Developmental Disabilities (DDD) to access "physical adaptations to the private residence of the demonstration participant or the demonstration participant's family,

based on assessment and as required by the demonstration participant's service plan, that are necessary to ensure the health, welfare and safety of the demonstration participant or that enable the demonstration participant to function with greater independence in the home. Such adaptations include the installation of ramps and grab-bars, widening of doorways, modification of bathroom facilities, or the installation of specialized electric and plumbing systems that are necessary to accommodate the medical equipment and supplies that are necessary for the welfare of the demonstration participant." Section 17.7.1 Supports Program Manual.

The home modification requested by Petitioner's guardian in June 2020 was a full-home generator. R-1. The request was denied. It was determined that the home generator was excluded as the request was "of general utility and not of direct medical or remedial benefits to the participant." R-2. The only electrical medical equipment Petitioner utilizes is a hospital bed. ID at 2. Petitioner was offered a rechargeable back-up battery for the hospital bed but the offer was rejected. ID at 3.

The Initial Decision upholds the denial finding that the request for a full-home generator was appropriately denied based on the Supports Program Manual. Petitioner points to a single power outage that lasted less than two hours as the impetus for this request. ID at 4. The house where she resides uses gas for cooking and heat. The only medical equipment that uses electricity is the hospital bed. ID at 4. DDD approved the purchase of a battery backup for the bed which would meet the criteria for a direct medical benefit. There is no direct medical or remedial benefit to Petitioner for a full-home generator.

Similarly, I agree that there is no basis for the full-home generator request to

be reviewed under the Goods and Services portion of the Supports Program manual. At minimum, the item or service must “decrease the need for other Medicaid services; and/or promote inclusion in the community; and/or increase the participant’s safety in the home environment.” Section 17.8.1. Nothing in the record shows that the full-home generator meets these parameters.

In exceptions, Petitioner argues that there are sufficient funds in her budget to cover the cost of the generator. However, that does not overcome the threshold issue that a full-home generator does not meet the criteria for approval under the Supports Program Manual.

THEREFORE, it is on this ^{2nd} day of JUNE 2021,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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