

State of New Jersey

DEPARTMENT OF HUMAN SERVICES DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES PO Box 712 TRENTON, NJ 08625-0712

SARAH ADELMAN Commissioner

JENNIFER LANGER JACOBS Assistant Commissioner

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

A.T.,

PETITIC	ONER,		ADMINISTRATIVE ACTION
v.			FINAL AGENCY DECISION
LIFE ST. FRANCIS		:	OAL DKT. NO. HMA 00388-22
RESPO	NDENT.	:	

:

As Assistant Commissioner of 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 and Respondent filed a reply. Procedurally, the time period for the Agency Head to file a Final Decision is May 15, 2023 in accordance with an Order of Extension. The Initial Decision in this matter was received on February 14, 2023.

This matter concerns the denial of Petitioner's request for companionship services. Petitioner is enrolled in Life St. Francis, a Program of All-Inclusive Care for the Elderly (PACE). Enrollment in the PACE program is voluntary and coordinates care of Medicare and Medicaid services and provides comprehensive medical and

SHEILA Y. OLIVER Lt. Governor social services to certain frail, community-dwelling elderly individuals. The PACE program serves as the sole source of Medicaid and Medicare benefits for PACE participants. An interdisciplinary team (IDT) of health professionals provides PACE participants with coordinated care. The IDT is to be composed of members qualified to fill specified roles, "to provide appropriate care to meet the needs of participants." 42 CFR §460.102(b). The IDT is responsible for implementing the plan of care, coordinating services, conducting periodic assessments, and documenting all recommendations for care or services and the reasons for denying or providing recommended services. 42 CFR §46.102(b).

After an in person assessment, Petitioner's request for at home companionship services was denied. That denial noted that Life St. Francis provided socialization services at the Life Center. Petitioner appealed through the PACE process that begins with a third party review. 42 CFR § 460.122. That review upheld the denial of service and found that her socialization and companionship needs could be met at the Life Center. The reviewer also noted that Petitioner might benefit from a home health aide to assist her at home.

Based upon my review of the record, I hereby ADOPT the recommended decision of the Administrative Law Judge in its entirety and incorporate the same herein by reference. In a thorough, well-reasoned decision, the ALJ upheld the denial of Petitioner's request for a home-based companion and ordered Respondent to provide a licensed and certified home health aide as proposed in the February 17, 2021 denial letter. Petitioner's exceptions to the Initial Decision do not allege that the findings were incorrect. Rather, they largely reiterated arguments made at the Office

of Administrative Law that were fully addressed by the Administrative Law Judge in

the Initial Decision.

THEREFORE, it is on this 21 day of APRIL 2023,

ORDERED:

That the Initial Decision is ADOPTED.

carol grant OBO Jennifer Langer Jacobs

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