

PHILIP D. MURPHY Governor

SHEILA Y. OLIVER Lt. Governor

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** 

B.M.

PETITIONER.

**ADMINISTRATIVE ACTION** 

FINAL AGENCY DECISION

DIVISION OF MEDICAL ASSSITANCE:

AND HEALTH SERVICES.

RESPONDENTS.

OAL DKT. NO. HMA 03278-21

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 entire contents of the OAL case file. Neither Party filed exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to render a Final Agency Decision is April 23, 2023 in accordance with and Order of Extension. The Initial Decision was received on January 23, 2023.

This matter arises from the Department of Human Services, Division of Developmental Disabilities (DDD) denial of Petitioner's request for a diabetic support dog and its training. During the hearing, Petitioner acquired a diabetic support dog. The parties agreed that the only remaining issue in dispute is its training.

Summary disposition may be entered where there is no genuine issue as to any material fact and where the moving party is entitled to prevail as a matter of law. See Initial Decision at page 2, citing N.J.A.C. 1:1-12.5 and Brill v. Guardian Life Ins. Co. of Am., 142 N.J. 520, 523 (1995). I agree with the ALJ that there are no genuine issues of material fact that would require a hearing in this matter. Based on my review of the record, I hereby adopt the findings and conclusions of the Administrative Law Judge (ALJ). In a thorough and wellreasoned opinion, the ALJ correctly concluded that the request for a service dog and/or its training does not meet the definition of "Assistive Technology" nor does it meet the criteria for a compensable good or service.

THEREFORE, it is on this

day of APRIL 2023,

ORDERED:

That the Initial Decision is ADOPTED.

Carol A Grant Digitally signed by **OBO Jennifer** Langer Jacobs 14:21:58 -04'00'

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Carol A Grant OBO Jennifer Langer Jacobs Date: 2023.04.06

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