

PHILIP D. MURPHY Governor

SHEILA Y. OLIVER
Lt. Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
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SARAH ADELMAN Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

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

K.C.,

PETITIONER.

DIVISION OF AGING SERVICES,

OFFICE OF COMMUNITY CHOICE

OPTIONS,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 05069-2023

As Assistant Commissioner for the Division of Medical Assistance and Health Services (DMAHS), I have reviewed the record in this case, including the Initial Decision and the Office of Administrative Law (OAL) case file. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to file a Final Agency Decision is September 11, 2023, 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 receipt. The Initial Decision was received on July 26, 2023.

This matter arises from the Office of Community Choice Options's (OCCO) May 23, 2023 determination that Petitioner was no longer clinically eligible for nursing facility level of care in a nursing facility or in the community. Eligibility for nursing facility services is

determined by the professional staff designated by the Department 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. The credible evidence in this record indicates that Petitioner does not satisfy the clinical eligibility criteria to meet nursing facility level of care. Petitioner presented no evidence to contradict this determination.

Based upon my review of the record and for the reasons set forth in the Initial Decision, I hereby ADOPT the findings and conclusions of the Administrative Law Judge (ALJ) and FIND that OCCO properly determined that Petitioner no longer met the clinical eligibility standards to qualify for nursing facility level of care. Accordingly, the Initial Decision of the OAL is ADOPTED as the Final Agency Decision in this matter. Petitioner may request a reassessment should his condition change.

THEREFORE, it is on this 5th day of September 2023,

ORDERED:

That the Initial Decision is hereby ADOPTED.

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

Jen Japanechs