



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Medical Assistance and Health Services

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Governor

TAHESHA L. WAY
Lt. Governor

SARAH ADELMAN
Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

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

M.D.,

PETITIONER,

v.

DIVISION OF AGING SERVICES,

OFFICE OF COMMUNITY CHOICE

OPTIONS,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 06354-2023

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 October 16, 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 September 1, 2023.

This matter arises from the Office of Community Choice Options's (OCCO) July 5, 2023 determination that Petitioner was not 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 that would 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 does not meet 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 27<sup>th</sup> day of September 2023,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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