



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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CHRIS CHRISTIE
Governor

ELIZABETH CONNOLLY
Acting Commissioner

KIM GUADAGNO
Lt. Governor

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

MEGHAN DAVEY
Director

J.H.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE

AND HEALTH SERVICES AND

NORTHERN REGIONAL COMMUNITY

CHOICE OPTIONS OFFICE,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 07279-16

As Director of 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, the contents of the OAL case file, Petitioner's exceptions to the Initial Decision and Respondent's reply. Procedurally, the time period for the Agency Head to render a Final Agency Decision is November 28, 2016 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 the agency's receipt. The Initial Decision was received on October 14, 2016.


Based upon my review of the record, I hereby ADOPT the findings, conclusions and recommended decision of the Administrative Law Judge in their entirety and incorporate the same herein by reference. I agree with the Administrative Law Judge that the credible evidence in this record establishes that Petitioner does not satisfy the clinical eligibility criteria necessary to qualify for nursing facility level of care pursuant to N.J.A.C. 8:85-2.1 and 2.2. As noted in Respondent's reply to Petitioner's exceptions, the Petitioner cannot be deemed eligible for nursing facility level of care simply because he received some of the skilled services set forth in N.J.A.C. 8:85-2.2 during his stay in the nursing home. This regulatory provision does not grant eligibility for nursing home level of care, rather it describes some of the skilled services provided to nursing home residents who are dependent in several activities of daily living. However, the credible evidence in this record failed to demonstrate that Petitioner is dependent in several activities of daily living in accordance with N.J.A.C. 8:85-2.1.

THEREFORE, it is on this *23<sup>rd</sup>* day of November 2016,

ORDERED:

That the Initial Decision affirming the denial of clinical eligibility for nursing home placement is hereby ADOPTED as the Final Decision in this matter.

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Meghan Davey, Director  
Division of Medical Assistance  
and Health Services