

State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
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ELIZABETH CONNOLLY
Acting Commissioner

MEGHAN DAVEY Director

KIM GUADAGNO Lt. Governor

CHRIS CHRISTIE

Governor

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

S.M.,

PETITIONER.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

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OAL DKT. NO. HMA 20279-15

DIVISION OF DEVELOPMENTAL DISABILITIES,

RESPONDENTS.

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the OAL case file and the Initial Decision approving the Settlement Agreement reached by the parties. Procedurally, the time period for the Agency Head to file a Final Decision is July 10, 2017 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 May 26, 2017.

This matter arises from the Division of Developmental Disabilities (DDD) denial of Petitioner's request to utilize Petitioner's Self-Directed Services in-home budget for payment toward sound-proofing his bedroom. However, at the scheduled hearing, the parties entered into a Settlement Agreement whereby Petitioner agreed to withdraw the request for fair hearing and participate in a behavioral assessment and DDD agreed to fund those behavior services that are determined by clinicians to meet clinical need and effectiveness.

By Initial Decision dated May 19, 2017, the ALJ approved the Settlement Agreement because it was consistent with the law, fully disposed of all issues in controversy and was voluntarily entered into by both parties, in accordance with N.J.A.C. 1:1-19.1.

Based on my review of the record, I concur with the ALJ's findings and hereby ADOPT the Settlement Agreement.

THEREFORE, it is on this god day of JUNE 2017,

ORDERED:

That the Initial Decision affirming the terms of the Settlement in this matter is hereby ADOPTED.

Meghan Davey, Director – Division of Medical Assistance

and Health Services