


order for eligibility to be granted at this higher income level, nursing level of care must be necessary. See 42 CFR § 435.236 and 42 CFR § 435.1005. To make this determination, a pre-admission screening (PAS) is completed by "professional staff designated by the Department, based on a comprehensive needs assessment which demonstrates that the recipient requires, at a minimum, the basic NF services described in N.J.A.C. 8:85-2.2." N.J.A.C. 8:85-2.1(a). See also, N.J.S.A. 30:4D-17.10, et seq. The assessment was performed by staff from the Division of Aging Services, Office of Community Care Options (OCCO). R-1.

The Initial Decision found that OCCO had properly denied Petitioner's application for clinical eligibility for nursing home level services. The record is clear that Petitioner does not meet nursing home level of care. Testimony by OCCO staff described Petitioner was independent in nearly all activities of daily living and there was no cognitive impairment. Petitioner appeared at the hearing and was "able to spontaneously answer questions." ID at 5. Indeed, Petitioner testified that she did not need a personal care assistant but wanted to have someone cook and clean for her. ID at 4. Thus, I FIND that Petitioner was properly denied and that there is no basis to set that finding aside.

THEREFORE, it is on this ^{14th} day of JULY 2018,

ORDERED:

That the Initial Decision is hereby ADOPTED.


Meghan Davey, Director
Division of Medical Assistance
and Health Services