

State of New Hersey

DEPARTMENT OF HUMAN SERVICES DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES PO Box 712 TRENTON, NJ 08625-0712

PHILIP D. MURPHY Governor

SHEILA Y. OLIVER Lt. Governor CAROLE JOHNSON Commissioner

MEGHAN DAVEY Director

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

K.F.,

PETITIONER,

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DIVISION OF MEDICAL ASSISTANCE : AND HEALTH SERVICES.

RESPONDENTS.

ADMINISTRATIVE ACTION FINAL AGENCY DECISION OAL DKT. NO. HMA 11121-16

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 and Respondent's exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to render a Final Agency Decision is April 27, 2018 in accordance with <u>N.J.S.A.</u> 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 March 13, 2018.

Based upon my review of the record, I hereby ADOPT the recommended decision of

the Administrative Law Judge in its entirety and incorporate the same herein by reference. The credible evidence in this record indicates that Petitioner does not satisfy the clinical eligibility criteria necessary to qualify for the Managed Long Term Services and Supports (MLTSS) waiver program. The MLTSS program provides comprehensive services and supports to help eligible beneficiaries remain living in the community rather than in a nursing facility. In order for an applicant to qualify for MLTSS, he or she must be in need of nursing home level of care. 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.

Based upon my review of the record in this matter, I agree with the Administrative Law Judge that the credible evidence indicates that Petitioner does not satisfy the clinical eligibility criteria necessary to qualify for nursing facility level of care pursuant to <u>N.J.A.C.</u> 8:85-2.1(a)(1)(i). Petitioner presented no evidence to contradict this determination. Petitioner may request a reassessment should her condition change.

THEREFORE, it is on this 25 day of APRIL 2018.

ORDERED:

That the Initial Decision affirming the termination of clinical eligibility for nursing level of care is hereby ADOPTED.

Meghan Davey, Director Division of Medical Assistance and Health Services