



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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*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.S.,

PETITIONER,

v.

HOMSETAD REHABILITATION

AND HEALTH CARE CENTER,

RESPONDENT.

**ADMINISTRATIVE ACTION**

**FINAL AGENCY DECISION**

**OAL DKT. NO. HMA 2103-2018**

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the OAL case file, the documents in evidence and the Initial Decision. No exceptions were filed. Procedurally, the time period for the Agency Head to file a Final Agency Decision in this matter is May 7, 2018 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 in this matter was received on March 22, 2018.

This matter arises from the notice of intent to discharge Petitioner from Homestead Rehabilitation and Health Care Center (Homestead) to another facility. Homestead indicated that the notice was required due to safety and health concerns of individuals

residing at Homestead. ID at 3. The matter was previously scheduled for fair hearing on November 30, 2017 but Petitioner did not appear. Petitioner provided adequate explanation about his failure to appear and the matter was remanded.

At the second hearing, Homestead's nursing home administrator recited the circumstances that preceded the decision to discharge Petitioner to another facility. This includes seventy reports of Petitioner's behavior including yelling and cursing at staff and residents and throwing things. R-2. Homestead also recited its attempts to redirect or accommodate Petitioner's behavior including seeking psychiatric services. Petitioner refused the psychiatric services and his behavior continued. In May 2017, Homestead sought and received permission from the Office of Community Choice Options to discharge Petitioner to Cranford Park Rehabilitation and Nursing Center (Cranford). R-3 and R-4.


I am satisfied based on the record before me that Homestead took steps to attempt to alleviate the health and safety concerns caused by Petitioner's documented behavior. When those efforts failed, Homestead sought and received authority to discharge Petitioner to another facility.

Based on my review of the record, I concur with the ALJ's findings and hereby ADOPT the Initial Decision. Homestead may proceed with the involuntary discharge of Petitioner to Cranford.

THEREFORE, it is on this 27<sup>th</sup> day of APRIL 2018,

ORDERED:

That the Initial Decision in this matter is hereby ADOPTED.

  
Meghan Davey, Director  
Division of Medical Assistance  
and Health Services