



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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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**

T.P.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES AND
MERCER COUNTY BOARD OF
SOCIAL SERVICES,
RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 07968-17

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 and the contents of the OAL case file. Neither Party filed exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to render a Final Agency Decision is May 10, 2018 in accordance with an Order of Extension.

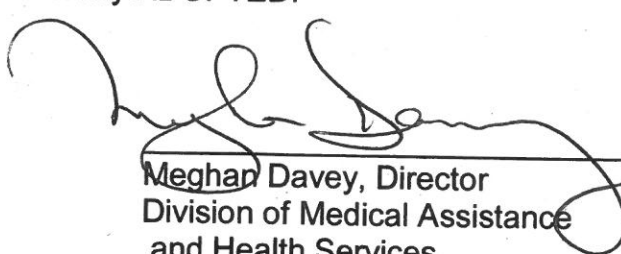
This matter concerns the April 2017 nursing home level of care assessment of Petitioner. Petitioner is a fourteen year old boy who lives with his parents. He suffers from muscular dystrophy. A nurse from the Office of Community Choice Options evaluated Petitioner for level of care in conjunction with the Medicaid application filed in April 2017. While stating otherwise, the Initial Decision points to no errors or mistakes with the assessment and uses that assessment to find that Petitioner did meet the level of care definition in N.J.A.C. 8:85-2.1(a)(1)(i). It is the application of the requirements of the level of care which changed as of August 1, 2017 that is the real issue in the matter.

To that end, I agree that Petitioner must be evaluated under the level of care standard that existed at the time of the May 2017 assessment which would permit him to meet the nursing home level of care. Based upon my review of the record, I find that the evidence in this record establishes that Petitioner did 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.

THEREFORE, it is on this ^{10th} day of MAY 2018,

ORDERED:

That the Initial Decision finding that Petitioner met the level of care standard in effect at the time of the assessment is hereby ADOPTED.



Meghan Davey, Director
Division of Medical Assistance
and Health Services