

State of New Jersey Department of Human Services Division of Medical Assistance and Health Services P.O. BOX 712

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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

V.B.,

PETITIONER,

V.

OFFICE OF COMMUNITY CHOICE OPTIONS, DIVISION OF AGING SERVICES,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 03576-18

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. Procedurally, the time period for the Agency Head to render a Final Agency Decision is August 20, 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 the agency's receipt. The Initial Decision was received on July 5, 2018.

Based upon my review of the record, I hereby ADOPT the findings, conclusions and recommended decision of the Administrative Law Judge in their entirety and incorporate the same herein by reference. I agree with the Administrative Law Judge that the credible evidence in this record establishes that Petitioner does not satisfy the clinical eligibility criteria necessary to qualify for nursing facility level of care pursuant to N.J.A.C. 8:85-2.1. Petitioner presented no evidence to contradict this determination. However, should Petitioner's condition deteriorate, he may reapply for services. THEREFORE, it is on this / day of AUGUST 2018,

ORDERED:

That the Initial Decision affirming the termination of clinical eligibility for nursing home placement is hereby ADOPTED as the Final Decision in this matter.

> Meghan Davey, Director Division of Medical Assistance

and Health Services