



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
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PHILIP D. MURPHY
Governor
SHEILA Y. OLIVER
Lt. Governor

SARAH ADELMAN
Commissioner
JENNIFER LANGER JACOBS
Assistant Commissioner

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

A.H.,
PETITIONER,
v.
DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES,
RESPONDENT.
ADMINISTRATIVE ACTION
FINAL AGENCY DECISION
OAL DKT. No. HMA 07831-2021

As Assistant Commissioner of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Office of Administrative Law (OAL) case file and the Initial Decision approving the Settlement Agreement reached by the parties. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to file a Final Agency Decision is May 5, 2022, 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 was received on March 21, 2022.

The matter arises regarding the denial of Petitioner's request for Goods and Services provided under the Supports Program, a component of the Comprehensive Medicaid Waiver (CMW) that permits Medicaid beneficiaries eligible through the Division of Developmental

Disabilities (DDD) to access “services, equipment or supplies, not otherwise provided through generic resources, the Supports Program, or through the State Plan, which address an identified need (including improving and maintaining the participant’s opportunities for full membership in the community) and meet the following requirements: the item or service would decrease the need for other Medicaid services; and/or promote inclusion in the community; and/or increase the participant’s safety in the home environment; and, the participant does not have the funds to purchase the item or service or the item or service is not available through another source.” Section 17.9.1 Supports Program Manual.

By way of settlement, the parties agreed to resolve the issues surrounding the Goods and Services Request, withdrawing the request of a fair hearing. In the Initial Decision, dated March 18, 2022, the Administrative Law Judge (ALJ) approved the Settlement Agreement because it was consistent with the law, fully disposed of all issues in controversy, and was voluntarily entered into by both parties in accordance with N.J.A.C. 1:11-19.1.

Based on my review of the record, I concur with the ALJ’s findings and hereby ADOPT the Settlement Agreement.

THEREFORE, it is on this 2nd day of MAY 2022,

ORDERED:

That the Initial Decision affirming the Settlement Agreement in this matter is hereby ADOPTED.



Jennifer Langer Jacobs, Assistant Commissioner
Division of Medical Assistance and Health Services