

The burden is on Petitioner to establish eligibility for adult day health services. N.J.A.C. 10:164-1.5(e)4. In order to qualify, the regulations state that the individual must require limited assistance with a minimum of two activities of daily living (ADL) provided by the facility, have at least one skilled service provided by the facility, a rehabilitation need or require supervision and cueing in at least three ADLs and have problems with cognitive functioning. N.J.A.C. 10:164-1.5(f). I agree with the Administrative Law Judge that the credible evidence in this record indicates that Petitioner does not satisfy the clinical eligibility criteria necessary to qualify for adult day health services pursuant to N.J.A.C. 10:164-1.5. Additionally, Petitioner's designated authorized representative did not provide evidence or testimony to the contrary. Should Petitioner's condition deteriorate, she may reapply for services.

THEREFORE, it is on this 9th day of December, 2022,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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