

State of New Jersey

DEPARTMENT OF HUMAN SERVICES DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES PO Box 712 TRENTON, NJ 08625-0712

SARAH ADELMAN Commissioner

JENNIFER LANGER JACOBS Assistant Commissioner

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

H.M. PETITIONER, v. HORIZON, RESPONDENT. H.M. ADMINISTRATIVE ACTION FINAL AGENCY DECISION OAL DKT. NO. HMA 04929-22

As Assistant Commissioner for 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. No exceptions to the Initial Decision were filed. Procedurally, the time period for the Agency Head to render a Final Agency Decision is December 28, 2022 in accordance with an Order of Extension. The Initial Decision was received on September 29, 2022.

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.

PHILIP D. MURPHY Governor

SHEILA Y. OLIVER Lt. Governor 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