



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

SARAH ADELMAN
Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

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

| | | |
|--------------------------------|---|----------------------------------|
| K.B., | : | |
| | : | |
| PETITIONER, | : | ADMINISTRATIVE ACTION |
| | : | |
| V. | : | FINAL AGENCY DECISION |
| | : | |
| DIVISION OF MEDICAL ASSISTANCE | : | OAL DKT. NO. HMA 01031-22 |
| AND HEALTH SERVICES, | : | ON REMAND HMA 05474-21 |
| | : | |
| RESPONDENTS. | : | |

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 render a Final Agency Decision is July 8, 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 the agency's receipt. The Initial Decision was received on May 24, 2022.

This matter arises from the Department of Human Services (DHS), Division of Developmental Disabilities, May 18, 2021 denial of Petitioner's request for a \$5 hourly increase in wages paid to her Self-Directed Employee (SDE) because it would result in wages

exceeding the reasonable and customary rate.

This matter was originally transmitted to the OAL on June 17, 2021, a hearing was held and an Initial Decision was issued on November 19, 2021. On February 19, 2022, the matter was remanded to the OAL for additional documentary evidence supporting DDD's conclusion that \$25/hour is the reasonable and customary rate for individual DSPs, and additional testimony and documentary evidence that the rate requested by Petitioner is the appropriate rate for the services she received. On May 2, 2022, the parties entered into a settlement agreement wherein they agreed to a rate of \$30 per hour through the 2022-2023 service year.

The Administrative Law Judge 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. 1:1-19.1. 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 1st day of JULY 2022,

ORDERED:

That the Initial Decision is hereby ADOPTED

Carol Grant OBO Jennifer
Langer Jacobs

Digitally signed by Carol Grant OBO
Jennifer Langer Jacobs
Date: 2022.07.01 09:08:48 -04'00'

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