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Lt. Governor

**State of New Jersey**  
**DEPARTMENT OF HUMAN SERVICES**  
Division of Medical Assistance and Health Services  
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SARAH ADELMAN  
Commissioner

GREGORY WOODS  
Assistant Commissioner

R.C.,	:	
	:	
PETITIONER,	:	<b>ADMINISTRATIVE ACTION</b>
	:	
v.	:	<b>ORDER OF REMAND</b>
	:	
DIVISION OF DEVELOPMENTAL	:	<b>OAL DKT. NO. HMA 00979-2024</b>
	:	
DISABILITIES AND DMAHS,	:	
	:	<b>RECORD SEALED</b>
RESPONDENTS.	:	

As Assistant Commissioner for the Division of Medical Assistance and Health Services (DMAHS), I have reviewed the record in this case, including the Initial Decision and the Office of Administrative Law (OAL) case file. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is December 19, 2024, in accordance with an Order of Extension.

This matter arises from the denial of Petitioner's request for reimbursement on expenditures made for environmental modifications performed where Petitioner resides. The modifications requested include installation of a ramp for access to the residence and widening of interior doors to rooms Petitioner would need to gain access. By letter dated December 18, 2023, the Division of Developmental Disabilities (DDD) informed Petitioner that the request for reimbursement of these environmental modifications was denied.

Prior to the commencement of the OAL hearing, DDD filed a motion for summary decision. N.J.A.C. 1:1-12.5(b) provides a motion for summary decision may be granted

if there is no genuine issue as to any material fact challenged and that the moving party is entitled to prevail as a matter of law. Brill v. Guardian Life Ins. Co., 142 N.J. 520 (1995). Even if the non-moving party comes forward with some evidence, the courts must grant summary judgment if the evidence is “so one-sided that the moving party must prevail as a matter of law.” Id. at 540. If the non-moving party’s evidence is merely colorable, or is not significantly probative, summary judgment should not be denied. Bowles v. City of Camden, 993 F. Supp. 255, 261 (D.N.J. 1998). In this case, the Initial Decision determined that summary decision was appropriate, and that DDD did not err when it denied Petitioner’s purchase request for environmental modifications to Petitioner’s residence. ID at 9. I disagree. A review of the evidence confirms there are genuine issues of material fact and that the record was not fully developed. More specifically, it remains unclear from the record whether Petitioner’s Support Coordinator followed all obligations specified in the Community Care Program (CCP) manual. See Section 17.7.5.1. As such, based on my review of the record, I hereby reverse the findings and conclusions of the Administrative Law Judge (ALJ) and remand the matter to conduct a full hearing.

The Developmentally Disabled Rights Act (the Act) declared that persons with developmental disabilities are entitled to certain fundamental rights; that services provided to people with developmental disabilities should be provided in a manner which respects the dignity, individuality and rights of persons with developmental disabilities; and that the purpose of the Act was to denote such rights and to establish standards for the provision of such services.” N.J.S.A. 30:6D-1, 2. The Department of Human Services, is the agency charged with carrying out the goals of the Act for the developmentally disabled. State ex rel. R.M., 141 N.J. 434, 661 A.2d 1277 (1995); See also N.J.S.A. 30:6D-2. In furtherance of this, DDD funds services and support for eligible individuals

with developmental disabilities. N.J.A.C. 10:40-1.1(a). The courts have held that “where the Legislature creates a class of beneficiaries which is greater than that which can be served by the amount of resources available for the purpose... the administrative agency may establish reasonable classifications and priorities to allocate [its] limited resources to serve the maximum class of individuals with developmental disabilities.” S.I. v. N.J. Div. of Developmental Disabilities, 265 N.J. Super. 251, 264 (App. Div. 1993); Morton v. Ruiz, 415 US 199, 230, 231, 94 S. Ct. 1055, 1072, 39 L. Ed. 2d 270 (1974). Accordingly, DDD is responsible for making appropriate decisions about State funding for the services it provides. N.J.S.A. 30:6D-32.6.

Petitioner participates in the CCP program which offers various care program services such as “environmental modifications.” ID at 3. An environmental modification is described as a physical adaptation to the private residence of the participant or the participant’s family. ID at 2. Acceptance into the program requires the participant to sign an agreement acknowledging the terms and conditions of the program. In this case, Petitioner signed the agreement entitled “NJ Family Care Comprehensive Demonstration Participant Enrollment Agreement,” which outlines the policies and procedures for participation in the CCP Program. McCarthy Cert., ¶ 7. In exchange, with the assistance of the assigned Support Coordinator, Petitioner gains access to program benefits including the service of having environmental modifications installed into the residence where Petitioner resides.<sup>1</sup> Here, on December 12, 2023, A.T., Petitioner’s Support Coordinator, submitted a purchase request to DDD for environmental modifications to Petitioner’s residence. McCarthy Cert., ¶ 6. A.T. reported the cost for these modifications

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<sup>1</sup> The support coordinator is “responsible for developing and maintaining the Individualized Service Plan with the participant, their family, and other team members...” See ID at 4.

as being \$41,170.<sup>2</sup> Ibid. On the same day, A.T. acknowledged in an email to E.M., Supervisor of the Waiver and Quality Assurance Unit, that the work had either been completed or close to completion. McCarthy Cert., ¶ 8.

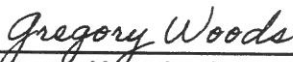
Petitioner asserts, A.T. failed to submit the paperwork timely to obtain prior approval, and that DDD is obligated to ensure A.T. fulfilled all duties to Petitioner. See Respondent's Reply Brief, dated August 5, 2024. Petitioner's assertion requires further evidentiary review in accordance with the mandates set forth in the CCP manual. See Section 6.3.

Accordingly, for the reasons set forth above and those contained in the Initial Decision, I hereby REVERSE the Initial Decision, and REMAND with instructions to conduct a full hearing on the merits of this case.

THEREFORE, it is on this 18th day of DECEMBER 2024,

ORDERED:

That the Initial Decision is hereby ADOPTED as set forth above.

  
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Gregory Woods, Assistant Commissioner  
Division of Medical Assistance  
and Health Services

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<sup>2</sup> It should be noted that the contract amount of \$47,170 for the modifications reflected in the Purchase Request submitted on December 12, 2023, differs from the McCarthy Certification which reports \$41,170 as the amount for the modifications. Recognition of the differing contract amounts does not change the substance or outcome of this case.