

PHILIP D. MURPHY Governor

TAHESHA L. WAY

Lt. Governor

State of New Jersey
DEPARTMENT OF HUMAN SERVICES

Division of Medical Assistance and Health Services P.O. Box 712 Trenton, NJ 08625-0712 SARAH ADELMAN Commissioner

GREGORY WOODS Assistant Commissioner

DEPARTMENT OF HUMAN SERVICES DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

N.S.,

PETITIONER,

**ADMINISTRATIVE ACTION** 

V.

FINAL AGENCY DECISION

OFFICE OF COMMUNITY CHOICE OPTIONS,

OAL DKT. No. HMA 09091-2024

RESPONDENT.

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 January 30, 2025, in accordance with an Order of Extension.

This matter arises from the Division of Aging Services (Division), Office of Community Choice Options, (OCCO) involuntary disenrollment of Petitioner from the Managed Long-Term Services and Supports (MLTSS) for failure to comply with the yearly reassessment for clinical eligibility.

By letter dated May 2, 2024, Petitioner was notified that the Division was initiating the disenrollment process of the MLTSS program because Petitioner failed to comply with the required reassessment for clinical eligibility. R-1. The letter also notified Petitioner that receipt of the MLTSS benefit requires: 1) regular outreach, 2) face-to-face visits and

3) yearly assessments to determine clinical eligibility. <u>Ibid.</u> Further, the letter indicates

that to establish clinical eligibility for MLTSS, an individual must meet "nursing facility level

of care as defined in N.J.A.C. 8:85-2.1, which states an individual must be dependent in

several activities of daily living (bathing, dressing, toilet use, transfer, locomotion, bed

mobility and eating)." Ibid.

The Initial Decision determined that Petitioner was involuntarily disenrolled from

MLTSS because he failed to comply with the annual reassessment for clinical eligibility.

ID at 2. The Initial Decision also determined that OCCO had "established by a

preponderance of the credible evidence that on May 2, 2024, Petitioner was properly

disenrolled from MLTSS." ID at 3. Lastly, the Initial Decision determined that Petitioner

was reassessed on July 9, 2024, and on July 12, 2024, Petitioner was approved for

MLTSS services. ID at 2, R-5.

Accordingly, for the reasons set forth above, I FIND that Petitioner was properly

disenrolled from MLTSS for failure to complete the yearly assessment in accordance with

N.J.A.C. 8:85-2.1. However, I note that due to the subsequent reassessment, the member

re-established clinical eligibility and no actual interruption in coverage took place.

THEREFORE, it is on this 29th day of JANUARY 2025,

ORDERED:

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

Gregory Woods, Assistant Commissioner

Division of Medical Assistance

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and Health Services

<sup>1</sup> It should be noted that the ALJ mistakenly notes Petitioner was disenrolled from MLTSS on May 2, 2024. This information differs from what is reflected in the May 2<sup>nd</sup> correspondence since no disenrollment date was provided. Despite this inconsistency, the outcome of this case remains.

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