



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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Governor

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KIM GUADAGNO
Lt. Governor

VALERIE HARR
Director

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

A.V.,
PETITIONER,
v.
HORIZON NJ HEALTH,
RESPONDENT.
ADMINISTRATIVE ACTION
FINAL AGENCY DECISION
OAL DKT. NO. HMA 04469-15

As Director of 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, the contents of the OAL case file, and Petitioner's exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to render a Final Agency Decision is October 23, 2015 pursuant to an Order of Extension.

In a thorough and well-reasoned decision, the ALJ slightly modified Horizon's decision to provide 28 hours of Personal Care Assistant (PCA) services and instead ordered the provision of 30 hours per week. For the

reasons which follow, I will allow the additional time awarded by the ALJ as well as additional time for cleaning A.V.'s apartment.

In reaching this decision, I accept the ALJ's fact-findings, which are based, in part, upon her assessment of the witnesses who testified at the administrative hearing. The fact-finder's assessment of the credibility of witnesses is entitled to deference by the reviewing agency head. Clowes v. Terminix, 109 N.J. 575 (1988).

In general, PCA hours are offered to New Jersey Medicaid recipients who are experiencing some functional impairment and are in need of a personal care assistant to help with some Activities of Daily Living (ADLs). See N.J.A.C. 10:60-3.1. The decision regarding the appropriate number of hours is based on the tasks necessary to meet the specific needs of the individual and the time necessary to complete those tasks.

I disagree with A.V.'s assertion in exceptions that Horizon and the ALJ did not take A.V.'s individual needs and abilities into account. It is apparent from the record that both Horizon and the ALJ considered a detailed and individualized representation of A.V.'s circumstances and needs. Indeed, the PCA assessment tool scores and the assessing nurse's recommendations make clear that the nurse carefully considered each of the tasks necessary to meet A.V.'s specific needs and the amount of time necessary to complete those tasks. Additionally, the ALJ's detailed Initial Decision shows that she also considered the effects of A.V.'s medical needs on her independence with regard to ADLs.

Since both parties agree that A.V. is wholly dependent on others for all of the tasks related to meal preparation and cleanup, I find the ALJ's

recommendation that A.V. be provided with an additional 35 minutes per week for meal preparation and cleanup (5 minutes x 7 days) to be a reasonable one. I will also go along with the ALJ's recommendation that A.V. be provided with an additional 70 minutes per week for dressing (10 minutes x 7 days) to take into account that A.V. needs assistance with dressing in the morning when she wakes up and also in the evening before she goes to bed. I also agree with A.V.'s exception regarding the 40 minutes per week allotted for cleaning her apartment. The Initial Decision notes that A.V. lives in a separate unit next to her mother and stepfather's home with her own bedroom, bathroom, living room and galley kitchen. Since this is a separate living space, the assessing nurse mistakenly divided the total 120 minutes for housekeeping by 3 to take into account the other two people in the household. However, since this is a separate apartment unit, I agree with Petitioner that she should have been granted the maximum 120 minutes per week for housekeeping.

THEREFORE, it is on this 8th day of October 2015,

ORDERED:

That Petitioner shall receive 32 hours (1895 minutes) of PCA services per week.



Valerie J. Harr, Director
Division of Medical Assistance
and Health Services