

State of New Jersey

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

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

I.A.,

PETITIONER.

V.

HORIZON NJ HEALTH,

RESPONDENT.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 01196-2023

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. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is September 11, 2023, in accordance with an Order of Extension.

This matter arises from Horizon NJ Health's (Horizon) assessment of Personal Care Assistance (PCA) hours for Petitioner. Petitioner had requested a minimum of 70 hours of PCA services per week. Based upon Horizon's assessment, it was determined that 54 hours of PCA services were medically necessary, and Horizon denied Petitioner's request for 70 PCA hours per week.

PCA services are non-emergency, health related tasks to help individuals with activities of daily living (ADLs) and with household duties essential to the individual's health and comfort, such as bathing, dressing, meal preparation and light housekeeping. The

decision regarding the appropriate number of hours is based on the tasks necessary to meet the specific needs of the individual and the hours necessary to complete those tasks. The regulations provide that PCA services are only warranted when the beneficiaries is "in need of moderate, or greater, hands-on assistance in at least one activity of daily living (ADL), or, minimal assistance or greater in three different ADLs, one of which must require hands-on assistance." N.J.A.C. 10:60-3.1(c). Additionally, instrumental activities of daily living (IADL) "such as meal preparation, laundry, housekeeping/cleaning, shopping, or other non-hands-on personal care tasks shall not be permitted as a stand-alone PCA service." N.J.A.C. 10:60-3.1(c)1. The assessments use the State-approved PCA Nursing Assessment Tool (PCA Tool) to calculate the hours.

Based upon my review of the record and for the reasons set forth in the Initial Decision, I hereby ADOPT the findings and conclusions of the Administrative Law Judge (ALJ) and FIND that Horizon properly denied Petitioner's request in this matter. The evidence in the record shows that Petitioner's needs can be met with 54 hours of PCA services per week. Petitioner's representative has failed to demonstrate that the number of PCA hours awarded by Horizon were insufficient to meet Petitioner's needs or that exceptional circumstances exist to warrant more than the 54 hours of PCA services awarded.

Accordingly, the Initial Decision of the OAL is ADOPTED as the Final Agency Decision in this matter.

THEREFORE, it is on this 2nd day of AUGUST 2023,

ORDERED:

That the Initial Decision is hereby ADOPTED.

Carol A Grant OBO Jennifer

Langer Jacobs

Digitally signed by Carol A Grant OBO Jennifer Langer

Jacobs

Date: 2023.08.02 14:55:09

-04'00'

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