

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

M.G.,

PETITIONER,

ADMINISTRATIVE ACTION

٧.

FINAL AGENCY DECISION

OAL DKT. NO. HMA 03104-22

HORIZON NJ HEALTH.

RESPONDENT.

As Assistant Commissioner for 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, and the contents of the Office of Administrative Law (OAL) case file. Neither party filed exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to render a Final Agency Decision is March 16, 2023 in accordance with an Order of Extension. The Initial Decision was received on December 14, 2022.

This matter arises from Horizon NJ Health's April 1, 2022 denial of Petitioner's request for Personal Care Assistant (PCA) services. Based on my review of the record, I hereby ADOPT the findings, conclusions and recommended decision of the Administrative Law Judge (ALJ) in their entirety and incorporate the same herein by reference.

PCA services are non-emergency, health related tasks to help individuals with

activities of daily living (ADLs) such as bathing, dressing, and feeding; and with household

duties essential to the individual's health and comfort such light housekeeping and laundry.

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.

Once PCA services are authorized, a nursing reassessment is performed every six months,

or more frequently if warranted, to reevaluate the individual's need for continued care.

N.J.A.C. 10:60-3.5(a)3; J.R. v. Div. of Med. Assist. & Health Servs. and Div. of Disability

Servs., No. A-0648-14 (App. Div. April 18, 2016). (Op. at 9).

To qualify for PCA services, beneficiaries "must be in need of moderate, or great,

hands-on assistance in at least one 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)1. Assistance

with Instrumental Activities of Daily Living (IADLs), 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. In other words, if a

beneficiary does not require the minimum amount of ADLs, they do not qualify for PCA

services, even if they may have assistance needs with IADLs.

On March 14, 2022, Horizon assessed Petitioner for PCA services. (R-6). The

assessment shows that Petitioner did not require assistance with any ADLs. Rather,

Petitioner sough assistance with IADLs such as housekeeping, shopping, meal preparation

and laundry. Because Petitioner did not require the minimum amount of ADLs, she does not

qualify for PCA services to assist with IADLs.

THEREFORE, it is on this 14th day of FEBRUARY 2023,

ORDERED:

That the Initial Decision is hereby ADOPTED.

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

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