



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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Assistant Commissioner

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

C.M.,	:	
	:	
PETITIONER,	:	ADMINISTRATIVE ACTION
	:	
v.	:	FINAL AGENCY DECISION
	:	
HORIZON,	:	OAL DKT. NO. HMA 07880-2019
	:	
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 May 23, 2022, in accordance with an Order of Extension.

This matter arises from Horizon's re-assessment of Personal Care Assistance (PCA) hours for Petitioner. Prior to the reassessment, Petitioner was receiving fourteen hours of PCA services per week. Based upon Horizon's March 28, 2019 re-assessment, it was determined that Petitioner did not need hands on assistance with at least three activities of daily living (ADLs) and Horizon made the determination that Petitioner's PCA services should be terminated. R-1. On May 16, 2019, following a Stage 1, internal appeal, Horizon upheld their determination, stating that Petitioner did not show a need for PCA services. Specifically,

Horizon found that Petitioner does “not have enough problems with activities of daily living” and “PCA services are not medically necessary.” Petitioner appealed the denial, and the matter was transmitted to OAL.

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 beneficiary 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.

The Initial Decision in this matter upheld Horizon’s determination related to Petitioner’s PCA services and found that Petitioner has failed to show that his needs exceed those observed by the registered nurse or that the nurse erred in her determination. I concur. The in-person March 28, 2019 assessment provides that Petitioner needs supervision with bathing and dressing and only needed minimal hands-on care in the area of personal hygiene, specifically with shaving. R-1. Petitioner does not have a singular ADL that requires moderate or greater hands on assistance. The cuing or supervision in the other ADLs does not rise to the level needed to approve PCA hours as Petitioner does not need hands on assistance in those areas. Additionally, any need for help in IADLs such as housekeeping or meal preparation cannot substituted for the need to meet the ADL requirements for PCA

services.

While I concur with the Initial Decision's determination that Petitioner failed to show that PCA services were medically necessary, on March 30, 2020, DMAHS issued guidance that all services that required a face to face assessment, like PCA services, were to remain at the same approval level for the duration of the public health emergency. See <https://nj.gov/humanservices/library/slides/MCO%20Guidance%20on%20Prior%20Authorization.pdf>. As Petitioner's benefits were continued pending the outcome of the fair hearing in this matter and he has continued to receive fourteen hours of PCA services per week since he appealed Horizon's May 16, 2019 determination, his services must currently be continued, regardless of the outcome of this fair hearing, due to the March 30, 2020 guidance issued as a result of the COVID-19 public health emergency. However, as Petitioner's last assessment took place in March 2019 and it is unknown what Petitioner's current needs are, an additional assessment is warranted to determine if Petitioner's needs have changed. Accordingly, I hereby recommend that Horizon completes a new assessment of Petitioner's current PCA needs and increase his hours, if warranted.

THEREFORE, it is on this 20th day of MAY 2022,

ORDERED:

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



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