



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

PO Box 712

TRENTON, NJ 08625-0712

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

SARAH ADELMAN
Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

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

E.M.,	:	
	:	
PETITIONER,	:	ADMINISTRATIVE ACTION
	:	
v.	:	FINAL AGENCY DECISION
	:	
	:	OAL DKT. NO. HMA 10357-21
HORIZON NEW JERSEY 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 July 21, 2022 in accordance with an Order of Extension. The Initial Decision was received on April 22, 2022.

This matter arises from Horizon New Jersey Health's (Horizon) July 30, 2021 denial of Petitioner's request for an increase in 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 (ADL) 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. 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). On July 8, 2021, Horizon conducted an in-person assessment of Petitioner and determined that she required forty-three hours of weekly PCA services. By letters dated July 23 and 30, 2021, Horizon denied Petitioner's request for sixty hours of weekly PCA services.

In a thorough, well-reasoned decision, the ALJ affirmed Horizon's decision to deny Petitioner request for additional PCA services. Petitioner is an eighty-eight year old woman who resides with E.T. and E.T.'s husband in their home. It is apparent from the record that the ALJ took into account the documentary evidence and testimony of the witnesses to determine that the Petitioner was appropriately assessed forty-three hours of weekly PCA services. Petitioner's request for additional hours does not pertain to her need for hands on assistance with ADLs. Rather, it concerns supervision of Petitioner due to a change in family circumstances, namely one daughter's relocation and E.T.'s commute. However, PCA services shall not be approved or authorized when the purpose of the request is to provide supervision or companionship. N.J.A.C. 10:60-3.8(c). I FIND that the credible evidence in the record supports Horizon's denial of Petitioner's request for sixty hours of weekly PCA services.

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

ORDERED:

That the Initial Decision is hereby ADOPTED.



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