

Horizon found that Petitioner does not need hands on assistance with at least three ADLs, and while Petitioner needs supervision with some activities, such as bathing and grooming, supervision alone does not necessitate a need for PCA services. Petitioner, through his mother, P.H., 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 hours 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. Based upon my review of the record and based on the facts contained therein, I hereby ADOPT the Initial Decision. However, I am compelled to note that the issue in this matter has become moot, as Petitioner has subsequently dis-enrolled from Horizon and enrolled in another Medicaid Managed Care Organization. An action is moot when a decision that is being sought in a particular matter will have no practical effect on the existing controversy. In re Conroy, 109 N.J. Super. 453, 458 (App. Div. 1983)). Issues that have become moot are improper subjects for judicial

review. Anderson v. Sills, 143 N.J. Super. 432, 437-438 (Ch. Div. 1976) (“[F]or reasons of judicial economy and restraint, courts will not decide cases in which the issue is hypothetical, a judgment cannot grant effective relief, or the parties do not have concrete adversity of interest.”). While Petitioner’s benefits were continued pending the outcome of the fair hearing in this matter, the PCA determination became moot upon his dis-enrollment from Horizon.

THEREFORE, it is on this 12th day of MAY 2022,

ORDERED:

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



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