

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 February 28, 2022, Horizon conducted a virtual personal care assistant (PCA) services assessment through Webinex and determined that Petitioner required twenty-three hours of weekly PCA services. Petitioner was previously assessed on August 20, 2021 and was determined to require twelve hours of weekly PCA services. Both assessments were conducted virtually by Gillian Ronas, RN. The ALJ found Horizon's assessments with regard to categories of cognitive ability, ambulation, positioning, toileting, hygiene, dressing,¹ housekeeping, shopping, meal preparation and laundry to be reasonable and upheld the time allotments for each. However, the ALJ did not feel that the time allotted for the categories of transfer, bathing and feeding were consistent with the actual need or the justification for the need. I agree.

Pursuant to the PCA tool, it appears that Petitioner's ability to ambulate has declined since her August 2021 evaluation as the time allotted to assist her increased from 140 minutes to 210 minutes per week. It also appears, based on the justifications noted, that Petitioner's ability to transfer independently at best remained the same. Yet, the amount of

¹ The ALJ found that Horizon's assessment for Petitioner's dressing needs was reasonable but incorrectly noted that the amount allotted was 120 weekly minutes rather than the 210 weekly minutes that appeared on the February 2022 PCA tool.

time allotted for transfers was reduced to zero. The justification for this reduction was that the "member needs wt. bearing assist transfer out of bed and chair in order to ambulate. Since member is able to ambulate, time given for transfers given under ambulation." (R-1). There is no sufficient explanation in the record for this reduction or for its inclusion the ambulation category rather than the transfer category. I agree and I FIND that the amount allotted for transfer should remain at 210 weekly minutes.

Additionally, Petitioner was allotted five minutes per meal, for fourteen meals per week, for a total of 70 weekly minutes. Petitioner eats three meals per day. There is no explanation in the record for excluding one of these meals. Therefore, I FIND that the assessment should reflect five minutes per meal, for twenty-one meals per week, for a total of 105 weekly minutes.

Finally, Petitioner was allotted 10 minutes per week for bathing assistance. However, the justification noted shows that Petitioner required more assistance than she had previously is bathing both her upper and lower body. Therefore, I agree with the ALJ and I FIND that Petitioner should be allotted 30 minutes per day, twice a week, for bathing.

THEREFORE, it is on this 26th day of JULY 2022,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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