



PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

State of New Jersey
DEPARTMENT OF HUMAN SERVICES
Division of Medical Assistance and Health Services
P.O. Box 712
Trenton, NJ 08625-0712

SARAH ADELMAN
Commissioner

GREGORY WOODS
Assistant Commissioner

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

R.B.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE
AND HEALTH SERVICES AND
HORIZON NJ HEALTH,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 17983-24

As Assistant Commissioner for the Division of Medical Assistance and Health Services (DMAHS), I have reviewed the record in this case, including the OAL case file, the documents in evidence, and the Initial Decision in this matter. Petitioner filed exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to render a Final Agency Decision is August 4, 2025.

This matter arises from Horizon NJ Health's (Horizon) denial of Petitioner's request for Personal Care Assistance (PCA) hours on September 11, 2024. (R-1.) The issue

presented here is whether Horizon correctly denied Petitioner's PCA service hours under Medicaid regulations.

Petitioner is a twenty-one-year-old male who is diagnosed with autism, ADHD, bipolar, manic depression, and scoliosis. ID at 2. On September 10, 2024, Horizon conducted a PCA assessment and determined that Petitioner did not need PCA hours. (R-4.) On September 11, 2024, Horizon sent a denial notice to Petitioner. Ibid. Petitioner appealed the denial, and on December 24, 2024, the DMAHS transmitted the matter to the Office of Administrative Law (OAL) for a hearing. ID at 2. A hearing was held on May 30, 2025, at which time the record was closed. Ibid.

PCA services include health-related tasks associated with the cueing, supervision, and/or completion of activities of daily living (ADLs), as well as instrumental activities of daily living (IADL) related tasks performed by a qualified individual in a beneficiary's place of residence or place of employment. N.J.A.C. 10:60-3.1(b).

Hands-on PCA services are described as encompassing assistance with personal hygiene, grooming, toileting, changing bed linens, ambulation, transfers, and eating. N.J.A.C. 10:60-3.3(a).

IADL services are non-hands-on PCA services that are essential to the beneficiary's health and comfort and include housekeeping duties, laundry, shopping, and other essential errands, as well as meal preparation. N.J.A.C. 10:60-3.3(b).

The assessments use the State-approved PCA Nursing Assessment Tool to calculate the hours.

At the hearing, Jennifer Moran (Moran), a Registered Nurse (RN) for Horizon, testified regarding the assessment she conducted using the PCA Tool about Petitioner's need for PCA hours on September 10, 2024. ID at 3. The assessment resulted in a denial of PCA hours. (R-1.) Moran testified that she followed the guidelines in coming to her

conclusion. Ibid. Moran testified that Petitioner lives alone; however, their mother lives next door. Ibid. During the assessment, Moran observed that Petitioner was able to transfer and ambulate unassisted with a steady gait. Ibid. Moran testified that Petitioner is independent in bathing, toileting, preparing meals, personal hygiene, and dressing. Ibid. Petitioner transferred from a sitting position to a standing position with no problems or need for assistance. Ibid.

Moran further testified that while visiting the home, Petitioner's mother, K.B., and a board-certified behavioral analyst (BCBA) were present. Ibid. K.B. told Moran that Petitioner bathes independently; however, they do not shower daily "due to their not wanting to shower." Ibid. K.B. also told Moran that Petitioner is capable of feeding themselves, but K.B. cuts their food. Ibid. Petitioner did not need assistance with toileting, shaving, and brushing teeth. Ibid. There is no physical help needed with dressing. Ibid. Moran also testified that she followed the regulations under N.J.A.C. 10:60-3.1 when she recommended denying Petitioner's PCA hours. ID at 4. Moran stated that Petitioner scored a zero for ADLs because there were no ADLs that they needed moderate or hands-on assistance. Ibid. Assistance with IADLs alone does not qualify Petitioner for PCA services. Ibid.

Christina Zapata (Zapata), a support coordinator with Abilities First LLC, an agency contracted through the Division of Developmental Disabilities (DDD), testified on behalf of Petitioner that she assists Petitioner with their budget and the services provided by DDD. ID at 5. According to Zapata, Petitioner's budget helps to pay for a direct support person who helps them with daily living skills and driving lessons, which will enable Petitioner to increase their independence, provide housing assistance, and arrange services. Ibid. On cross-examination, Zapata stated that Petitioner did not have any physical needs; however, they had behavioral needs. Ibid.

K.B. testified for Petitioner that she assists Petitioner with grooming, dressing, and organizing themselves. ID at 5. K.B. also testified that Petitioner has a BCBA, which helps them to build skills to accomplish ADLs. Ibid. K.B. believes that Petitioner needs physical help with ADLs because Petitioner's mental issues impact their ADLs often. Ibid. On IADLs, K.B. assists, and most of the time, she does it all for Petitioner. Ibid. K.B. also testified that Petitioner works three to four hours weekly. Ibid.

Finally, Petitioner testified that they are diagnosed with bipolar disorder and have scoliosis. ID at 6. For their scoliosis, they were given a back brace to wear when they were younger. Ibid. They stopped wearing the brace for a long time because it was difficult to breathe when they wore it. Ibid. Since they stopped wearing the back brace, their scoliosis has become worse. Ibid. The pain affects their ability to bend, move, and lift. Ibid. Petitioner testified that the pain from their scoliosis is not constant. Ibid.

The Administrative Law Judge (ALJ) found Moran to be credible in Petitioner's September 10, 2024 assessment. ID at 7. The ALJ found Zapata credible, especially when she said that Petitioner is not physically dependent but has behavioral issues. Ibid. The ALJ found K.B. credible as she spoke to the assistance she provides to Petitioner; however, the ALJ found that this assistance fell within a supervisory level of prompting or reminders. Ibid. K.B. delivers care in a loving and supporting way; when Petitioner does not feel like doing their laundry, she does it. Ibid. The ALJ found Petitioner to be a likable, bright young man who testified that they have pain sometimes but not all the time. Ibid.

The ALJ also found that Petitioner is independent in bathing, positioning, toileting, meals, personal hygiene, and dressing. ID at 11. Petitioner has cognitive impairment and has a BCBA that helps with their cognition. Ibid. Support staff from DDD help Petitioner manage their finances, scheduling, and other matters. Ibid. Petitioner works three to four

hours per week and takes driving lessons. Ibid. The ALJ concluded that Horizon's denial of PCA services in this matter was appropriate. ID at 12. I agree with the ALJ's findings.

On June 25, 2025, K.B. filed exceptions to the Initial Decision. In her letter of exceptions, K.B. argues that she assists Petitioner with all tasks that are described in N.J.A.C. 10:60-3.3 on a weekly basis, and requests that Horizon provide another nurse to evaluate Petitioner, as all prior nurses have approved Petitioner for the Personal Preference Program (PPP).

K.B. states that she does all the above-mentioned tasks for Petitioner. However, K.B.'s claims are not meaningfully different from the factual questions that the ALJ has already reviewed and ruled on the Initial Decision. K.B. also claims that all the prior nurses approved Petitioner for the PPP program; however, Horizon conducted a semi-annual assessment on April 29, 2024, by Tara Sanchez, RN, who also recommended that Petitioner's PCA services be denied because he failed to meet state eligibility requirements. (R-5.) K.B. did not submit any evidence that Petitioner's condition has been changed since the last assessment.

In order to qualify for PCA services, beneficiaries must need moderate or greater 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. Assistance with 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).

Here, Horizon conducted several PCA assessments on Petitioner. The last assessment was performed on September 10, 2024, by Moran. As Moran testified at the hearing, she followed the regulations outlined in N.J.A.C. 10:60-3.1 when conducting the

assessment. Moran recommended that PCA services be denied because Petitioner did not meet the State Eligibility Regulations, which require a need in three ADLs with at least two requiring hands-on assistance.

I agree with Horizon's determination and the ALJ's findings that Petitioner is independent in bathing, positioning, toileting, meals, personal hygiene, and dressing. Petitioner has a cognitive impairment; however, they have a BCBA who helps with their cognition function. Petitioner also has a support system from DDD to help them with their finances, scheduling, and other matters. Petitioner works three to four hours per week and takes driving lessons. Petitioner testified that they have scoliosis, which can be painful at times. However, there is no evidence in the record that it has had a significant impact on Petitioner's ADLs.

Based on my review of the record and based on the facts contained therein, I FIND that Horizon properly denied Petitioner's PCA hours pursuant to Medicaid regulations, as indicated in the September 10, 2024 assessment. However, should Petitioner's condition change, they may request a new reassessment.

THEREFORE, it is on this 23rd day of JULY 2025,

ORDERED:

That the Initial Decision is hereby ADOPTED.



Gregory Woods, Assistant Commissioner
Division of Medical Assistance and Health Services