



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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MEGHAN DAVEY
Director

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

D.B.,
PETITIONER,
v.
HORIZON NJ HEALTH,
RESPONDENT.
ADMINISTRATIVE ACTION
FINAL AGENCY DECISION
OAL DKT. NO. HMA 00902-16

As Director of 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, the contents of the OAL case file, Horizon NJ Health's exceptions to the Initial Decision and Petitioner's response. Procedurally, the time period for the Agency Head to render a Final Agency Decision is September 29, 2016 pursuant to an Order of Extension.

Based upon my review of the record, I hereby MODIFY the Initial Decision reversing Horizon NJ Health's reduction of Petitioner's Personal Care Assistant ("PCA") services from 28 to 13 hours per week. I FIND that a reassessment is warranted.

PCA services are non-emergency, health related tasks to help individuals with activities of daily living 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.

On December 1, 2015, D.B.'s managed care organization (MCO), Horizon NJ Health, conducted a scheduled assessment. Using the State-approved PCA Beneficiary Assessment Tool, Maria Bennett, RN, had a face-to-face visit with D.B. and considered several categories related to her functional limitations and determined the amount of time D.B. needed for each category. Based on this assessment, which Ms. Bennett admitted took her 10 to 15 minutes to conduct, she determined that the needed services could be provided within 13 hours per week. A reassessment on March 29, 2016 by Florence Agbanu, RN, resulted in a score of 12.42.

I find that there is insufficient information in the assessment reports to justify such a substantial reduction from 28 to 13 hours per week. As a result, I FIND that a reassessment should be performed.

In the new assessment, the assessing nurse should provide extensive detail regarding Petitioner's physical and cognitive limitations (including the nurse's personal observations of the Petitioner), her specific Activities of Daily Living (ADL) and Instrumental Activities of Daily Living (IADL) needs, and an explanation regarding the time and frequency of the needed service. The new assessment must provide a detailed explanation to justify the Petitioner's needs

and level of assistance for each of the tasks as well as the amount of time needed for each task. The assessment shall also include a summary of the nurse's personal observations of the petitioner and include additional information that supports any change in the number of hours previously authorized.

While Petitioner's daughter (and caregiver) may provide information to the nurse regarding D.B., she must explain how her mother's medical needs and conditions translate into specific care needs. For example, how have the frequency of her mother's falls and physical deterioration resulted in a need for assistance with specific ADLs. Additionally, while a family member may provide information on what the client can and cannot do for themselves, the amount of time given for that task is determined by the nurse performing the assessment.


N.J.A.C. 10:60-3.9

Should Petitioner disagree with the results of this new assessment, she may request another fair hearing at that point.

THEREFORE, it is on this ^{7th} day of September 2016,

ORDERED:

That Horizon NJ Health perform a reassessment. Petitioner's services shall be continued at 28 hours per week pending the reassessment.


Meghan Davey, Director
Division of Medical Assistance
and Health Services