



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**

E.B.,	:	
	:	
PETITIONER,	:	ADMINISTRATIVE ACTION
	:	
v.	:	FINAL AGENCY DECISION
	:	
HORIZON NJ HEALTH,	:	OAL DKT. NO. HMA 04645-16
	:	
RESPONDENT.	:	

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 and Petitioner's exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to render a Final Agency Decision is September 12, 2016, in accordance with N.J.S.A. 52:14B-10 which requires an Agency Head to adopt, reject or modify the Initial Decision within 45 days of the agency's receipt. The Initial Decision was received on July 27, 2016.

Based upon my review of the record, I hereby ADOPT the Initial Decision in its entirety and incorporate the same herein by reference. For the reasons which follow, I agree with the Administrative Law Judge that Petitioner should continue receiving 9 hours of Personal Care Assistant ("PCA") services per week.

E.B. receives PCA benefits through the Personal Preference Program, which is administered by the Division of Disability Services and allows recipients to direct and manage their PCA services. With a monthly cash allowance to cover the hours of PCA services, E.B. pays her mother, with whom she resides, to provide needed care.

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 February 16, 2016, E.B.'s managed care organization (MCO), Horizon NJ Health, conducted a scheduled reassessment. Tahira Smith, RN, had a face-to-face visit with E.B. and her mother and, using the State-approved PCA Beneficiary Assessment Tool, considered several categories related to her functional limitations and determined the amount of time E.B. needed for each category. Based on this assessment, Horizon determined that her PCA services should remain at 9 hours per week.

Like the Administrative Law Judge, I find that there is sufficient information in the assessment report to justify the provision of 9 hours per week. In exceptions, Petitioner's mother argues that additional time should be awarded for bathing and meal preparation. I am not persuaded by this argument. The nurse's completed assessment form provide a sufficient 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. Petitioner's mother also contends that E.B. should receive additional hours because children with similar impairments enrolled in other MCOs have been awarded more than 9 hours per week. I am also not persuaded by this argument. The level of PCA services varies from person to person based on the facts of their individual cases.

THEREFORE, it is on this *31st* day of August 2016,

ORDERED:

That the Initial Decision affirming Horizon NJ Health's provision of 9 PCA hours per week is hereby ADOPTED as the Final Decision.


Meghan Davey, Director
Division of Medical Assistance
and Health Services