



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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Governor

ELIZABETH CONNOLLY
Acting Commissioner

KIM GUADAGNO
Lt. Governor

MEGHAN DAVEY
Director

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

J.M.,

PETITIONER

v.

HORIZON NJ HEALTH

RESPONDENT.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 06296-16

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 and the contents of the OAL case file. No exceptions to the Initial Decision were filed. Procedurally, the time period for the Agency Head to render a Final Agency Decision is November 3, 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 September 19, 2016.

Based upon my review of the record, I hereby ADOPT the Initial Decision affirming Horizon's determination that Petitioner is eligible for 10 hours of private duty nursing services (PDN). Petitioner appealed Horizon's decision to reduce her PDN from 16 hours to 10 hours per day. The ALJ affirmed Horizon's determination, and based upon my review of the record, I find no reason to disturb that decision.

In order to be considered for private duty nursing services an individual must "exhibit a severity of illness that requires complex skilled nursing interventions on an ongoing basis". N.J.A.C. 10:60-5.3(b). "Complex" means the degree of difficulty and/or intensity of treatment/procedures." N.J.A.C. 10:60-5.3(b)(2). "Ongoing" is defined as "the beneficiary needs skilled nursing intervention 24 hours per day/seven days per week." N.J.A.C. 10:60-5.3(b)(1). The regulations define "skilled nursing interventions" as "procedures that require the knowledge and experience of licensed nursing personnel, or a trained primary caregiver." N.J.A.C. 10:60-5.3(b)(3).

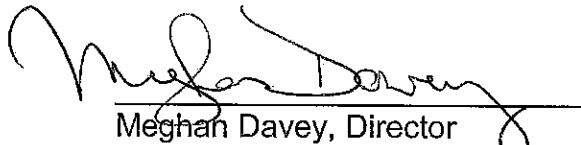
The regulations addressing the medical necessity for private duty nursing services state that patient observation, monitoring, recording and assessment may constitute a need for private duty nursing services provided that the beneficiary is ventilator dependent, has an active tracheostomy and needs deep suctioning. N.J.A.C. 10:60-5.4(b)(1). Medical necessity may also be established if the individual needs around-the-clock nebulizer treatments, with chest physiotherapy; gastrostomy feeding when complicated by frequent regurgitation and/or aspiration; or a seizure disorder manifested by frequent prolonged

seizures, requiring emergency administration of anti-convulsants. N.J.A.C.
10:60-5.4(b)(2). While Petitioner does have medical needs, I agree that he does
not meet the medical necessity criteria to qualify for the requested sixteen hours
of PDN services.

THEREFORE, it is on this 13th day of NOVEMBER 2016,

ORDERED:

That the Initial Decision affirming the reduction of private duty nursing
services from 16 hours to 10 overnight hours is hereby ADOPTED.



Meghan Davey, Director
Division of Medical Assistance
and Health Services