



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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Governor

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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**

M.O.,

PETITIONER,

v.

HORIZON NJ HEALTH,

RESPONDENT.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. No. HMA 12423-16

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 December 29, 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 in this case was received on November 14, 2016.

This appeal stems from Horizon NJ Health's reduction of Petitioner's weekly personal care assistant (PCA) benefits from 3 hours per day to 1 hour per

day. Unfortunately, Horizon failed to appear at the scheduled Office of Administrative Law (OAL) hearing. The ALJ allowed the case to proceed without representation from Horizon. Based upon the testimony of Petitioner and her daughter, along with a prescription form Petitioner's treating physician, the ALJ concluded that Petitioner should continue to receive 3 hours of PCA services per day. Based upon my review of the record, I agree with the ALJ's determination and ADOPT the Initial Decision in its entirety.

When a party fails to appear at a hearing without explanation, the OAL rules permit the ALJ to issue a decision on the merits based upon *ex parte* proofs presented by the appearing party. N.J.A.C. 1:1-14.4(d). In this case, the testimony of Petitioner and her daughter regarding Petitioner's need for assistance with her activities of daily (ADL) living provided support for the ALJ's decision that Petitioner has demonstrated a continued need for 3 hours of daily PCA services. Horizon provided no evidence to challenge this determination nor did it file exceptions to the Initial Decision.

THEREFORE, it is on this 2nd day of December 2016,

ORDERED:

That Petitioner shall continue to receive 3 hours of PCA services per day.



Meghan Davey, Director
Division of Medical Assistance
and Health Services

