



*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**

C.J.

PETITIONER,

v.

HORIZON NJ HEALTH,

RESPONDENT.

**ADMINISTRATIVE ACTION**

**FINAL AGENCY DECISION**

**OAL DKT. NO. HMA 06301-16**

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 and Petitioner's exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to render a Final Agency Decision is November 12, 2017 pursuant to an Order of Extension.

Based upon my review of the record, I hereby ADOPT the findings, conclusions and recommended decision of the Administrative Law Judge in their entirety and incorporate the same herein by reference. This matter arises from

Horizon NJ Health's (Horizon) denial of Personal Care Assistant (PCA) services for Petitioner. Petitioner is a twenty-seven year old male who suffers from physical and psychological issues. He is a full time resident at Bancroft at Mullica Hill (Bancroft). Petitioner is in a Division of Developmental Disabilities (DDD) program which pays for his care and services at Bancroft. Once or twice a month, Petitioner's parents take him home for an overnight visit. Historically, Petitioner has used PCA hours during these visits to replicate the care and services he would be receiving had he remained at Bancroft.

N.J.A.C.10:60-3.8 puts limitations on PCA services to prevent the duplication of services. DDD pays for Petitioner's residential care and services at Bancroft. These services are always available to him. Petitioner's family voluntarily removes him from Bancroft once or twice a month to bring him home for a visit. The ALJ correctly noted that since Petitioner already receives services in a residential facility, he is not entitled to receive such services in another venue. Petitioner's family's choice to periodically remove him from Bancroft, and the care and services provided to him on a full-time basis, does not then entitle Petitioner to duplicative services in the family home.

Moreover, I am not persuaded by Petitioner's argument that Horizon must continue to provide the same amount of PCA hours given in a prior assessment if there has been no change in the Petitioner's medical condition. Once PCA services are authorized, a nursing reassessment is performed every six months or more frequently if warranted, to reevaluate the individual's need for continued care. N.J.A.C. 10:60-3.5(a)3. Indeed, in a recent unpublished opinion, the Appellate Division upheld the termination of PCA services, noting that a reassessment is required at least once every six months to evaluate an

individual's need for continued PCA services. As a result, the Appellate Division found that "an individual who has received approval for eligible services is not thereby entitled to rely as infinitum on the initial approval and remains subject to... reevaluation at least once every six months." J.R. v. Div. of Med. Assist. & Health Servs. And Div. of Disability Servs., No A-0648-14 (App. Div. April 18, 2016).

THEREFORE, it is on this 30<sup>th</sup> day of OCTOBER 2017,

ORDERED:

That the Initial Decision affirming Horizon's termination of PCA services is hereby ADOPTED.

  
Meghan Davey, Director  
Division of Medical Assistance  
and Health Services