



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

E.D.,

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PETITIONER,

ADMINISTRATIVE ACTION

v.

FINAL AGENCY DECISION

OAL DKT. NO. HMA 04471-16

HORIZON NJ HEALTH,

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 June 5, 2017 pursuant to an Order of Extension.

Based upon my review of the record, I hereby MODIFY the Initial Decision reversing Respondent's reduction of Petitioner's Personal Care Assistant ("PCA") services from 40 to 35 hours per week. For the reasons which follow, I find that Petitioner should receive 38 hours of services per week.

In addition to attending medical daycare three days per week, E.D. receives PCA benefits through the Personal Preference Program, which is administered by the Division of Disability Services and allows Medicaid recipients to direct and manage their PCA services. With a monthly cash allowance to cover the hours of PCA services, E.D.'s mother, S.D., is paid to provide needed care. S.D. has also retained the services of two other personal care aides to assist in providing E.D.'s care.

The decision regarding the appropriate number of PCA hours is based on the tasks necessary to meet the specific needs of the individual and the hours necessary to complete those tasks. The dispute in this case focuses on the amount of time allotted for feeding, meal preparation, and shopping.

With respect to shopping, S.D. confirmed that she shops for her family, including Petitioner's brother and sister. As a result, I find no justification to award additional time for this task when Petitioner's mother is already shopping for the whole family. Similarly, I disagree that additional time (beyond the 10 minutes per meal allotted by Nurse Scurko) should be awarded for meal preparation. Petitioner has no special dietary needs and is able to eat the same food that her mother prepares for the rest of the family. While Petitioner's food does need to be chopped to prevent choking, I find that the 10 minutes per meal awarded by Nurse Scurko to be a sufficient amount of time to chop Petitioner's food. The fact that Petitioner has certain food preferences is not a sufficient justification to award additional time for meal preparation.

Petitioner also seeks an additional time for feeding. The record indicates that E.D.'s poor dexterity and fine motor skills make it difficult for her to feed

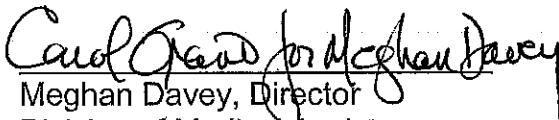
herself. Moreover, E.D. is at risk for choking if she is fed too quickly. Therefore, I find that Petitioner should be provided with 20 minutes of feeding assistance for each meal, which results in an additional 180 minutes per week (10 minutes x 18 meals since E.D. receives lunch at daycare 3 days per week).

Based on the foregoing, Petitioner shall receive 38 hours (2299 minutes) of PCA services per week (2119 minutes awarded in the assessment plus an additional 180 minutes for feeding).

THEREFORE, it is on this ^{24th} day of April 2017,

ORDERED:

That Petitioner shall receive 38 hours of PCA services per week.


Meghan Davey, Director
Division of Medical Assistance
and Health Services