



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

Division of Medical Assistance and Health Services

P.O. Box 712

Trenton, NJ 08625

MIKIE SHERRILL
Governor

DR. DALE G. CALDWELL
Lt. Governor

STEPHEN CHA, MD, MHSR
Commissioner

GREGORY WOODS
Assistant Commissioner

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

D.D.L.,

PETITIONER,

v.

HORIZON,

RESPONDENT.

ADMINISTRATIVE ACTION

ORDER OF REMAND

OAL DKT. NO. HMA 16776-25

As Assistant Commissioner for the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision and the Office of Administrative Law (OAL) case file. Exceptions were filed by both the Petitioner and Respondent in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is August 31, 2026, in accordance with an Order of Extension.

This matter arises from Horizon's denial of Personal Care Assistance (PCA) hours for Petitioner. On August 14, 2025, Horizon informed Petitioner that their request for forty PCA hours per week was denied, and that the Petitioner was approved for fourteen PCA hours per week. ID at 2. Petitioner appealed the award of 14 PCA hours, and the matter was transmitted to the OAL for a hearing.

PCA services are non-emergency, health related tasks to help individuals with activities of daily living (ADLs) and with household duties essential to the individual's health and comfort, such as bathing, dressing, and ambulation. 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. The regulations provide that PCA services are only warranted when the beneficiaries are "in need of moderate, or greater, hands-on assistance in at least one activity of daily living (ADL), or, minimal assistance or greater in three different ADLs, one of which must require hands-on assistance." N.J.A.C. 10:60-3.1(c). Additionally, instrumental activities of daily living (IADL) "such as meal preparation, laundry, housekeeping/cleaning, shopping, or other non-hands-on personal care tasks shall not be permitted as a stand-alone PCA service." N.J.A.C. 10:60-3.1(c)(1).

In this matter, Petitioner is a seventeen-year-old who has never applied for or been approved for any PCA services in the past. ID at 2. On August 13, 2025, Horizon conducted an assessment and determined that the Petitioner was eligible for fourteen PCA services per week, not the forty hours of PCA services a week that the Petitioner requested. Ibid. At the fair hearing, Dynesha Watson, R.N. (Nurse Watson), a nurse assessor for Horizon, testified about the assessment that was completed by Casey Howell¹, who was on maternity leave at the time of the Fair Hearing. Id. at 4. Nurse Watson reviewed Nurse Howell's assessment and also conducted a subsequent assessment that is not the subject of this appeal. Ibid. Nurse Watson testified regarding several items in the assessment, which was described in detail in the Initial Decision, and with the fourteen hours of PCA services that were awarded. David Sorrentino, M.D.,

¹ The Initial Decision refers to the nurse who completed the August 13, 2025 assessment as "Casey Hall," but the Respondent's Exceptions clarify that the nurse's name is actually "Casey Howell." Respondent's Exceptions at 1.

Horizon's medical director, also testified that the assessment was proper and that the Petitioner only qualified for fourteen hours of PCA services. Id. at 5.

During the hearing, Petitioner's mother, S.L., testified that her son is severely autistic and needs assistance with all ADLs and IADLs. Ibid. She testified that she needs to prepare and cut the Petitioner's meals for him and that he cannot be left alone. Ibid. She further testified that the Petitioner would not know how to get out of the house independently or dress himself. Ibid. She also stated that the Petitioner has been seeing Dr. Bruner for many years and discussed the letter that Dr. Bruner wrote indicating that it is medically necessary for the Petitioner to have forty PCA hours a week. Ibid.

Dr. David G. Bruner also testified during the hearing. Ibid. He testified that the Petitioner is on the autism spectrum and is unable to care for himself. Ibid. He is nonverbal and has a significant cognitive deficit. Ibid. Dr. Bruner's letter, dated September 19, 2025, was entered into evidence at the hearing. He stated that the Petitioner needs substantial support for all ADLs, as he is unable to use utensils and needs to be closely monitored at meals to ensure proper nutrition and safety. Ibid. Dr. Bruner also stated that the Petitioner is nonverbal and needs assistance with bathing, grooming, and hygiene. Ibid. In his opinion the Petitioner needs forty hours of PCA services a week. Ibid.

In the Initial Decision, the Administrative Law Judge (ALJ) found that Dr. Bruner did not provide a specific breakdown of these hours or identify the specific deficiencies in the assessment completed by Horizon. Ibid. The ALJ found that the testimony provided by the Respondent's witnesses to be credible. Ibid. The ALJ also found that the Petitioner's mother and doctor were credible, but they failed to provide testimony that supported an award of additional hours. Ibid. While Dr. Bruner's letter was entered into evidence at the hearing, the ALJ found that he did not provide a specific breakdown of

the recommended hours, nor did he identify any specific deficiencies in Horizon's assessment. Ibid. I agree with the ALJ's reasoning, however there are inconsistencies in the Initial Decision. On page 9 of the Initial Decision, it states, "With the above in mind and turning to the instant matter, there is no dispute that petitioner qualifies for PCA services given the fact that he requires *limited assistance in three or more ADLs.*" (emphasis added). Id. at 9. However, on the next page it says, "... pursuant to N.J.A.C. 10:60-3.1, petitioner qualifies for fourteen hours of PCA services, as he needs *moderate or greater hands-on assistance in at least one ADL...*" (emphasis added). Id. at 10. This apparent inconsistency is flagged by the Respondent in their Exceptions, where they note:

neither the Petitioner's mother nor his physician testified that he required hands-on assistance for all activities of daily living (ADLs), contrary to what the Initial Decision suggests. Rather, all parties and witnesses agree that the Petitioner is fully capable of ambulating, transferring, positioning, and eating finger foods independently.

Respondent Exceptions, 2.

The ALJ also states that the testimony provided by "Ms. Torres demonstrated that the petitioner only qualified for fourteen hours of PCA services at the time the assessment was conducted." (emphasis added). Id. at 9. However, there is no witness named "Ms. Torres". S.L. and Dr. Bruner testified for the Petitioner and Nurse Watson and Dr. Sorentino testified for the Respondent. Id. at 12. As such, it is unclear whose testimony the ALJ is referring to in the Initial Decision.

In their Exceptions, the Petitioner acknowledged that Horizon's letter "correctly notes that the Petitioner can ambulate, transfer position, and eat finger foods independently." Petitioner Exceptions, 2. However, the Petitioner argues that this "does not reduce his overall need for one-to-one supervision and hands on help throughout the day due to his severe autism and constant safety risks." Ibid. However, PCA services

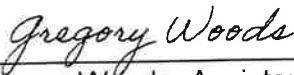
cannot be approved where the request is for "[r]outine parenting tasks" and "[s]ervices to beneficiaries that are limited to non-hands on personal care needs as described in N.J.A.C. 10:60-3.3(b) and (c)." N.J.A.C. 10:60-3.8(c)(5) and N.J.A.C. 10:60-3.8(c)(9). Moreover, according to N.J.A.C. 10:60-3.8(c) PCA services shall not be for supervision, companionship, respite (keeping someone on task), routine parenting tasks, mental health services, or persons without hands-on personal needs.

Based upon my review of the record, and for the reasons set forth herein, I hereby REMAND this matter to the OAL for a recommended decision that clarifies and corrects the inconsistencies on page 9 and 10 of the Initial Decision. In doing so, the ALJ should address the inconsistency in Petitioner's needs and clarify what witness the ALJ was referring to when referencing "Ms. Torres" in the Initial Decision.

THEREFORE, it is on this 27th day of August 2026,

ORDERED:

That the Initial Decision is hereby remanded.



Gregory Woods, Assistant Commissioner
Division of Medical Assistance and Health Services

RP
Recipient

**STATE OF NEW JERSEY
OFFICE OF ADMINISTRATIVE LAW**

33 Washington Street
Newark, NJ 07102
(973)-648-7136

9 Quakerbridge Plaza / PO Box 049
Trenton, NJ 08625-0049
609-689-4030

HMA

FROM:
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

NAME OF AGENCY

P O BOX 712
TRENTON, NJ 08625-0712

ADDRESS

Arij Syed, Esq.

TRANSMITTING OFFICER

(609) 588-2655

TELEPHONE NUMBER

COUNTY Burlington

JURISDICTION South

Davis Dock Lang

VS
Horizon

Name of Contested Case or Short Title

THE FOLLOWING ADDITIONAL INFORMATION IS REQUIRED:

1. Nature of the case. Please include references to statutes or rules and briefly summarize the facts and law involved. Attach pleadings to this form.

2. Estimated time required for hearing.

3. Legal requirements (State or Federal) mandating a date for Agency Decision:

4. Is court stenographer requested?

5. Special features to be anticipated in this matter, i.e. emergent relief, discovery motions, prehearing conference, conference hearing, remand, expedited hearings, location (county).

6. Is a barrier-free location needed?

7. Have the attached documents been exchanged between the parties?

8. Names of other agencies claiming jurisdiction over transmitted dispute:

Agency Docket / Reference Number

Petitioner appeals the denial of increased PDN services

_____ Day(s) or 1 Hours

X Yes ___ No If yes, please specify requirements and citation: _____

___ Yes X No

Horizon

___ Yes X No ___ Uncertain

X Yes ___ No If no, the documents shall be served on or offered to parties on: _____

Transmitting officer or other agency personnel to receive notices of hearing etc., pursuant to N.J.A.C. 1:1-8.2 (a) 13. This person need not be served by the parties with motions, correspondence, etc.

Arij Syed, Esq.

TRANSMITTAL OFFICER

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

P.O. BOX 712

TRENTON, NJ 08625-0712

Telephone #: (609) 588-2655

SERVICE LIST

Parties Named in this Proceeding and their Representatives.

For additional parties, attach names, addresses and telephone numbers of each party linked with that representative if any.

PETITIONER

#1 Davis Dock Lang

160 Halsey Lane

Marlton, NJ 08053

Telephone #: 6098207917

E-Mail:

PETITIONER REPRESENTATIVE

#1. Susan Lang

160 Halsey Lane

Marlton, NJ 08053

Telephone #: 6098207917

E-Mail:

RESPONDENT

#2. Maria Marrero, Esq

Horizon NJ Health

1700 American Blvd

HL-03P

Pennington, NJ 08534

Phone #: 862-410-9727

E-Mail: maria_marrero@horizonblue.com

RESPONDENT REPRESENTATIVE

OTHER

#3.

Telephone #:

E-Mail:

OTHER REPRESENTATIVE

Telephone #:

E-Mail: