



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

E.E.,

PETITIONER,

v.

HORIZON,

RESPONDENT.

:
:
:
:
:
:
:
:
:
:

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 17431-25

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 Petitioner in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is August 3, 2026, in accordance with an Order of Extension.

This matter arises from Horizon's denial of Personal Care Assistance (PCA) hours for Petitioner. By letters dated April 29, 2025, and May 30, 2025, Horizon informed Petitioner that their request for PCA hours was denied. (R-1). Petitioner appealed the denial of the 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 twenty-two-year-old who has autism, obsessive-compulsive disorder (OCD), attention deficit disorder (ADD) and anxiety. On April 25, 2025, Horizon conducted an assessment and determined that Petitioner was not eligible for PCA services. (R-2). At the fair hearing, Yakeema Smith, R.N. (Nurse Smith), who conducted the assessment, testified that Horizon looks at ADLs in determining whether PCA services are appropriate. ID at 2. Nurse Smith testified that the Petitioner was denied PCA services because they did not have three ADLs that required hands on assistance. Ibid. She also stated that during the assessment, she asked the PCA tool questions verbatim, and wrote the answers in her notepad. Id.

During the hearing, Petitioner's mother, L.D., argued that Nurse Smith had not prepared her written assessment based on what she wrote down in her notes during the actual assessment. Ibid. She testified that she was sitting close to Nurse Smith and was able to see everything that she had written in her notepad. Ibid. She further claimed that what was written in Nurse Smith's notes did not match what was put into the written assessment. Ibid. She also argued that she should have been given the list of PCA tool

questions beforehand and claimed that it was improper for Nurse Smith to ask only yes or no questions. Ibid.

In the Initial Decision, the Administrative Law Judge (ALJ) found that Nurse Smith was a credible witness who was extremely knowledgeable and experienced. Id. at 7. Conversely, the ALJ found L.D.'s testimony lacked credibility. Ibid. The ALJ found that the Petitioner can walk independently without any assistance, bathe independently, brush his teeth, feed himself, adjust his position in a chair or couch without assistance, does not need assistance going to the bathroom, did need some assistance shaving, and can independently dress himself. Ibid. The ALJ further found that the Petitioner is bladder confident, and did not need hands on assistance for shopping as he consumed the same meals as everyone in his household, with no special dietary needs. Ibid. In addition, L.D. cooked and handled laundry for the entire household. Ibid. The ALJ went on to acknowledge that the PCA tool used by Nurse Smith was created by the Respondent and is a State-approved tool. Ibid. Nurse Smith read the PCA tool questions verbatim to L.D. and the Petitioner and wrote the answers in a notepad. Ibid.

The ALJ found the Petitioner failed to put forth any evidence indicating that they were eligible for PCA services and concluded that Petitioner is not eligible for PCA services. Id. at 12. I agree. The Petitioner failed to provide any evidence indicating that PCA services are appropriate. The doctors' notes submitted by the Petitioner were dated five years before the April 25, 2025, PCA assessment, and were in the form of letters, not expert reports. Id. at 10. Moreover, neither doctor testified in support of their conclusion that the Petitioner would benefit from PCA services. The Functional Behavioral assessment provided by L.D. was dated March 18, 2020, which is also five years before the PCA assessment conducted by Nurse Smith. Ibid. While Dr. Heimrich updated his letter on March 13, 2025 and recommended PCA services, he failed to list which ADLs

the Petitioner might have needed hands-on assistance with. Ibid. Additionally, L.D.'s testimony was not found to be credible by the ALJ. According to N.J.A.C. 10:60-3.S(c), PCA services shall not be for supervision, companionship, respite, routine parenting tasks, mental health services, or for persons without hands-on personal needs. In this matter, the Petitioner failed to prove they require hands-on personal care for ADLs, and the Respondent proved, that the Petitioner does not require hands-on personal care for ADLs.

In their exceptions, L.D. argues that the Petitioner,

requires assistance with one major daily living activity (Hygiene/Grooming) or three moderate activities (Eating, Dressing, Bathing, Hygiene/Grooming). Both his pediatrician, Dr. Robert Heimrich (Exhibit A), and psychologist, Dr. Diana Antinoro Burke (Exhibit B), confirm his chronic condition and agree he needs services to address daily living challenges at home and in the community.

Petitioner's Exceptions, pg 1.

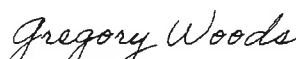
However, neither doctor from these letters testified at the fair hearing, and L.D.'s testimony was found to lack credibility.

Based upon my review of the record, for the reasons set forth in the Initial Decision, and for the reasons set forth herein, I hereby find that since the Petitioner does not need moderate, or greater, hands-on assistance in at least one activity of daily living, or, minimal assistance or greater in three different ADLs, one of which must require hands-on assistance, Horizon appropriately denied PCA to the Petitioner.

THEREFORE, it is on this 28th day of July 2026,

ORDERED:

That the Initial Decision is hereby ADOPTED.



Gregory Woods, Assistant Commissioner

Division of Medical Assistance and Health Services