



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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

I.W.,

PETITIONER,

v.

HORIZON NJ HEALTH,

RESPONDENT.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 08128-16

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 June 11, 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 21 to 14 hours per week. For the reasons which follow, I find that Petitioner should receive 16.5 hours of services per week.

In addition to attending work three days per week, Petitioner 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, I.W.'s mother, B.W., is paid to provide needed care. Petitioner also receives services through the New Jersey Division of Developmental Disabilities.

PCA services are non-emergency, health related tasks to help individuals with activities of daily living and with household duties essential to the individual's health and comfort, such as bathing, dressing, meal preparation and light housekeeping. 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.

Nurse Finkelstein determined that Petitioner's decision making ability was severely impaired, that he never or rarely makes decisions and is unable to self-direct any activity. For this, Petitioner was awarded the maximum amount of time for decision making. I find no reason to disturb this conclusion. However, given Petitioner's need for step by step instruction with regard to toileting, bathing and personal hygiene, it is not unreasonable to award some additional time for these activities. I agree with the ALJ's decision to increase the amount of time for bathing and personal hygiene from 10 to 15 minutes. Furthermore, the ALJ also awarded 20 minutes per day for dressing. It is not unreasonable that Petitioner

would need 10 minutes in the morning and 10 minutes in the evening for dressing.

With respect to shopping, B.W. shops for herself and Petitioner. As a result, I find no justification to award additional time for this task when Petitioner's mother is already shopping for herself. Similarly I disagree that additional time should be awarded for housekeeping and laundry. There is no basis to award additional time for laundry when there is a washing machine in the home. B.W. can perform other needed tasks while the laundry is in the machine. There is simply no need for her to stay at the machine as she would have to do at a laundromat. Moreover, there is no basis to award additional time for housekeeping. The initial decision notes that Petitioner's bed should be made and light housekeeping performed daily. This is included in the 60 minutes per week awarded by Nurse Finkelstein.

I also disagree that additional time (beyond the 10 minutes per meal allotted by Nurse Finkelstein) should be awarded for meal preparation. Petitioner has no special dietary needs and is able to eat the same food that his mother prepares for herself. While Petitioner's food does need to be chopped to prevent choking, I find the 10 minutes per meal awarded by Nurse Finkelstein to be a sufficient amount of time to chop Petitioner's food. However, there is no explanation for why Petitioner needs PCA services for only 16 meals per week, when he is home for 18 meals per week. Therefore, I find that Petitioner should receive an additional 20 minutes per week for meal preparation.


Based on the foregoing, Petitioner shall receive 16.5 hours (990 minutes) of PCA services per week (865 minutes awarded in the assessment plus an

additional 20 minutes for feeding, 35 minutes for dressing and 70 minutes for bathing and personal hygiene).

THEREFORE, it is on this 15th day of MAY 2017,

ORDERED:

That Petitioner shall receive 16.5 hours of PCA services per week.


Meghan Davey, Director
Division of Medical Assistance
and Health Services
