



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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MEGHAN DAVEY
Director

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

L.M.,

PETITIONER,

v.

HORIZON NJ HEALTH,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 15804-16

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 and the contents of the OAL case file. No exceptions to the Initial Decision were filed. Procedurally, the time period to render a Final Agency Decision in this matter is February 24, 2017, in accordance with N.J.S.A. 52:14B-10 which requires an Agency Head to adopt, reject, or modify the Initial Decision within 45 days of the agency's receipt. The Initial Decision was received on January 10, 2017.

Based upon my review of the record, I hereby ADOPT the Initial Decision with clarification. This case concerns the reduction of Petitioner's personal care assistance (PCA) services from 25 hours to 20 hours per week. While, I agree with the ALJ that Petitioner should continue to receive 25 hours of services per week, I disagree that additional hours are warranted to ensure that she does not wander out of the house. Indeed, PCA services are to be used for specific health related tasks, not to provide supervision or companionship. N.J.A.C. 10:60-3.8(c). However, I agree that 25 hours are needed in order to provide adequate assistance with toileting, bathing and ambulation due to Petitioner's deteriorating eyesight.

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

ORDERED:

That Petitioner shall continue to receive 25 hours of PCA services per week.


Meghan Davey, Director
Division of Medical Assistance
and Health Services