



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**

R.S.,

PETITIONER,

v.

HORIZON NJ HEALTH,

RESPONDENT.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 16949-16

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 Horizon NJ Health's exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to render a Final Agency Decision is March 10, 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 24, 2017.

Based upon my review of the record and for the reasons which follow, I hereby ADOPT the Initial Decision of the Administrative Law Judge (ALJ) with clarification. The ALJ reversed Horizon NJ Health's termination of Petitioner's 14

hours of weekly personal care assistant (PCA) services and ordered that Horizon perform a reassessment to determine if Petitioner needs assistance with laundry, meal preparation and dressing. Although the ALJ surmises that Petitioner may need assistance with dressing, the record is devoid of any evidence substantiating this need. Petitioner's own testimony at the hearing did not mention a need for assistance with dressing. Moreover, the nursing assessment of Angelic Dejesus, RN, finds that Petitioner is "self-sufficient" in dressing and her testimony at the hearing confirmed this finding. As noted in Horizon's exceptions to the Initial Decision, in order to qualify for PCA services, Petitioner must require hands-on assistance with the activities of daily living (ADLs). See Horizon's exceptions citing to J.D. v. United Healthcare, OAL Dkt. No. HMA 09845-14, Final Agency Decision (November 24, 2014).

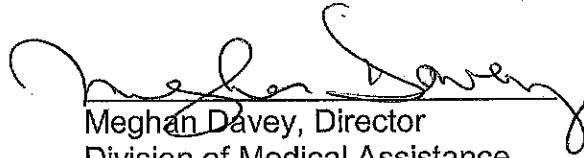
Horizon NJ Health contends that it is undisputed that Petitioner does not require assistance with ADLs and therefore its decision to termination PCA services should be upheld. My concern with this argument is based on R.S.' contention that he has vision problems due to a brain tumor, is unable to stand for any length of time or walk down the steps from his apartment independently. See R-3 in evidence.

Due to the inconsistency in Petitioner's need for assistance with ADLs, I find that a reassessment is warranted to address the discrepancy in Petitioner's need for assistance with ambulation. Petitioner's services shall be continued at 14 hours per week pending the reassessment.

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

ORDERED:

That Horizon NJ Health perform a reassessment.

A handwritten signature in black ink, appearing to read 'Meghan Davey', is written over a horizontal line.

Meghan Davey, Director
Division of Medical Assistance
and Health Services