



cover the hours of PCA services, Petitioner pays her mother to provide needed care. ID at 2.

Once PCA services are authorized, a nursing reassessment is performed every six months or more frequently if warranted, to reevaluate the individual's need for continued care. N.J.A.C. 10:60-3.5(a)3. At the time of the June 2018 assessment, Petitioner was interviewed with her mother by Beth Hyzak, R.N., a nurse with Horizon NJ Health, using the State-approved PCA Beneficiary Assessment Tool. As a result of that assessment, Petitioner was authorized to receive twenty-three hours of PCA services per week. Petitioner contested that amount and the matter was transmitted for a fair hearing.

The Initial Decision determined that in six ADLs Petitioner was entitled to receive additional time, which raises the total to thirty-two hours or the same amount of hours as she had previously received.<sup>1</sup> Based on my review of the record and for the reasons that follow, I hereby MODIFY the Initial Decision by ADOPTING the hours in one of the ADLs and REVERSING the hours in the five other areas.

The purpose of PCA services is to provide 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.

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<sup>1</sup> The Initial Decision incorrectly awards Petitioner twenty-three hours on page 12 which is the amount determined by Horizon in the June 2018 assessment.

In a recent unpublished opinion, the Appellate Division upheld the termination of PCA services, noting that a reassessment is required at least once every six months to evaluate an individual's need for continued PCA services. As a result, the Appellate Court found that "an individual who has received approval for eligible services is not thereby entitled to rely ad infinitum on the initial approval and remains subject to . . . reevaluation at least once every six months". J.R. v. Div. of Med. Assist. & Health Servs. and Div. of Disability Servs., No. A-0648-14 (App. Div. April 18, 2016). (Op. at 9).

The Initial Decision increased the time allotted for transfers, bathing, linen change, housekeeping, laundry and meals. In four of these areas - laundry, housekeeping, bathing and transferring - the time was increased above the maximum score without appropriate justification. Laundry is allotted at 45 minutes on the tool. The Initial Decision found that Petitioner "was incapable of doing any of the tasks associated with laundry on her own, and no explanation could be provided as to how she could do her laundry in six minutes a day". ID at 9. The PCA assessment reflects the time spent by her mother, as the PCA provider, to do Petitioner's laundry in the home. Nothing in the record shows that her mother cannot complete this task within that time period. Thus, I find no basis to increase the maximum 45 minutes a week for in home laundry performed by the PCA to 60 minutes a week.

The housekeeping hours are based on dividing 120 minutes by the total members of the household. Petitioner's allotted time of one quarter of the home is based on the tools guidelines. It appears that this area reflects a reduction as the prior assessment used three family members to divide the 120 minute maximum. Nothing in the record supports an increase in the amount. Whether Petitioner can be left alone or has difficulties with mobility does not impact the ability of her mother to complete this

task within the allotted time. Moreover, supervision or companionship is not an authorized use of the service. See N.J.A.C. 10:60-3.8(c).

For the task of bathing, the tool permits up to 30 minutes for a full bath. Petitioner was assessed at 20 minutes per day. The Initial Decision determined that she should be given forty minutes a day or ten minutes over the maximum allotment and incorrectly states the maximum level of assistance requires hand-over-hand assistance. The highest level is total dependence. R-2. She needs limited assistance with bathing which is two levels below total dependence. Nothing in the record shows why she needs the above maximum amount allotted for someone who is totally dependent. The medical documents submitted by Petitioner state she requires assistance to stay on task, not that she is totally dependent for her ADLs. Thus, I find that the 20 minutes per day was properly awarded. To the extent Petitioner needs assistance with balance in the shower, Horizon is directed to explore various safety devices such as a shower chair that would assist this task.

The assessment found that Petitioner needs contact guard and balance assistance for transfers in and out of the tub. She denied needing assistance with other transfers. R-2. This is considered limited assistance as contact guard is non-weight bearing support. The PCA tool permits up to 15 minutes a day absent any justification. The Initial Decision awarded 20 minutes a day based on testimony that she needs "assistance sitting and getting [sic] from a chair and to move from one location to another." ID at 7. I FIND no basis to exceed the maximum; however, as she was assessed up to the maximum on ambulation due to the need for contact guard, the transferring assessment should be raised to 15 minutes per day.

I also disagree that additional time beyond the 5 minutes per meal allotted should be awarded for meal preparation. Petitioner has no special dietary needs and is able to eat the same food that is prepared for the rest of the family. While Petitioner's food does need to be cut, I find that the 5 minutes per meal awarded in both the 2017 and 2018 assessment to be a sufficient amount of time to cut Petitioner's food. The preparation of a "big salad or spaghetti sauce that did not come out of a can or bottle" is not medically necessary nor is it a sufficient justification to award additional time for meal preparation. ID at 10.

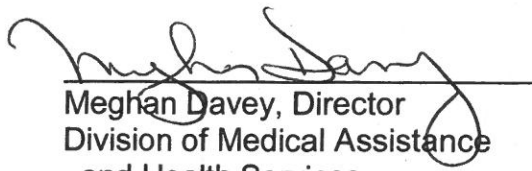
I agree that Petitioner requires additional time for linen changes due to soiling. The assessment states that Petitioner is incontinent of bowel and bladder. As such, ten additional minutes per day is hereby awarded.

As a result Petitioner's hours are increased to include 70 minutes per week for linen changes and 35 minutes a week for transferring. This increases Petitioner's weekly PCA hours to 1485 minutes or 25 hours.

THEREFORE, it is on this <sup>22<sup>nd</sup></sup> day of FEBRUARY 2019,

ORDERED:

That the Initial Decision is hereby ADOPTED with part and REVERSED in part as set forth above.

  
Meghan Davey, Director  
Division of Medical Assistance  
and Health Services