

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.

Petitioner was previously approved for 30 hours of weekly PCA services. She elected to receive those services through the Personal Preference Program (PPP) which permits the eligible recipient to hire a caregiver of their choosing, in this case her sister. On March 14, 2018, Horizon conducted a PCA assessment of Petitioner which resulted in a three hour reduction of PCA services, to 27 hours per week. Petitioner appealed and the matter was transmitted to the OAL. During the pendency of the hearing, Petitioner received a routine six month PCA assessment which resulted in an award of 28.33 weekly PCA hours.

I am not persuaded by Petitioner's argument that Horizon must continue to provide the same amount of PCA hours given in a prior assessment if there has been no change in the Petitioner's medical condition. 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. Indeed, the Appellate Division has 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)

I agree with the Administrative Law Judge (ALJ) that Horizon nurse Kekelah's assessment was comprehensive and clearly addressed the scoring in each category. On the other hand, Petitioner did not provide any evidence, aside from her own opinion, that

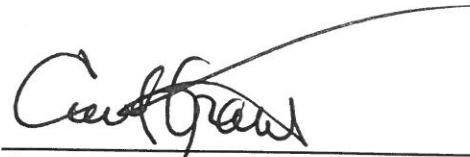
she required additional PCA hours. If the necessary personal care and household tasks can be accomplished within 28.33 hours per week, any additional hours would only be used for supervision or companionship which is not an authorized use of the service. See N.J.A.C. 10:60-3.8(c). This would be contrary to the purpose of the PCA program, which is intended to provide medically necessary assistance with specific health related tasks.

I find that the credible evidence in the record supports Petitioner's need for 28.33 weekly hours of PCA services.

THEREFORE, it is on this 15th day of JULY 2019,

ORDERED:

That the Initial Decision is hereby ADOPTED.



Carol Grant, Acting Director
Division of Medical Assistance
and Health Services