



State of New Jersey
Department of Human Services
Division of Medical Assistance and Health Services
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PHILIP D. MURPHY
 Governor

Sheila Y. Oliver
 Lt. Governor

Carole Johnson
 Commissioner

Meghan Davey
 Director

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

K.R.-M.,

PETITIONER,

v.

HORIZON,

RESPONDENTS.

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ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 13733-18

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 entire 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 February 28, 2019, in accordance with an Order of Extension. The Initial Decision was received on November 28, 2018.

Based upon my review of the record and for the reasons which follow, I hereby ADOPT the Initial Decision reversing Horizon's determination and I FIND that an assessment is warranted.

Petitioner is a ten year old child with quadriplegic spastic cerebral palsy. Her complex medical issues require nearly constant assistance to accomplish daily tasks. As a result, Petitioner requested 112 hours of Personal Care Assistant (PCA) services. On April 17, 2018, Horizon denied Petitioner's request. Instead, Horizon determined that Petitioner was entitled to the maximum allowable limit of 40 hours of PCA services.

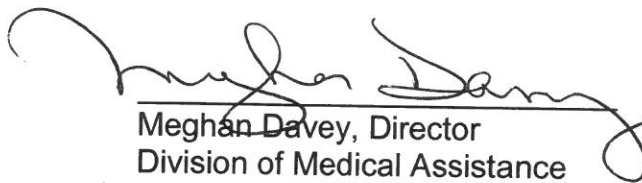
That determination is inaccurate, however, as it does not pertain to children under the age of 21 who are eligible to receive Early and Periodic Screening, Diagnostic and Treatment (EPSDT) services. Rather, these children are entitled to receive any medically necessary service. While approval for services is based upon medical necessity, the volume, scope and duration of the approved service may take into account the availability of other medically appropriate, cost-effective alternatives. In this case, Horizon authorized 40 hours of PCA services based upon the regulatory restriction applicable to adults over the age of 21¹. As a result, I FIND that an assessment is needed in order to determine the amount of medically necessary PCA services that Petitioner requires on a daily basis.

THEREFORE, it is on this 17th day of JANUARY 2019,

ORDERED:

¹ See N.J.A.C. 10:60-3.8(g) which imposes a 40 hour weekly limit on PCA services with additional hours to be provided based on exceptional circumstances.

That this matter is returned to Horizon to perform a reassessment. Should Petitioner disagree with the results of that assessment, she may request a fair hearing at that point.



Meghan Davey, Director
Division of Medical Assistance
and Health Services