



While the fair hearing was pending for the April 2018 assessment, another assessment was conducted in August of 2018. R-2. That assessment showed that Petitioner was eligible for 13.83 hours which was approved for fourteen hours. ID at 4. That assessment was not appealed.

PCA services are 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. 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. The assessments use the State-approved PCA Nursing Assessment Tool to calculate the hours.

In preparing for the hearing, Horizon NJ Health reviewed the PPP timesheets that Petitioner has approved regarding the PCA hours that were being provided. The timesheets showed that Petitioner had certified that she had received PCA hours that exceeded the weekly allotment during some weeks and then received no PCA hours in the subsequent weeks. ID at 5. For example during a two week period in October 2018, when Petitioner had been approved for fourteen hours a week, she billed the PPP vendor for forty-seven hours. ID at 5 and R-5. No PCA hours were billed for the next two week period. This pattern continued over the next few weeks when Petitioner would approve timesheets with higher than approved PCA hours for a two week period, and then not submit any timesheets for the next two week period.

Petitioner testified that she needs more hours of PCA services. She described the services her granddaughter provides. She states she only gets PCA services on Friday,

Saturday and Sunday. She will have her granddaughter come during the week if she needs help. She said she remains in the same clothes from Sunday through Friday. ID at 8.

However, the Administrative Law Judge (ALJ) did not find Petitioner's testimony to be credible. Petitioner was unaccompanied by anyone at the hearing and was able to stand and sit without difficulty. ID at 10. Her testimony was described as dramatic and "she would pause as if she was crying and emotionally upset, yet no tears were shed and her demeanor would suddenly shift back to normal speaking." Id. Petitioner could not specify why she needed eighteen hours of services and failed to provide any documentation to corroborate her testimony.

The ALJ also found the testimony about her granddaughter providing services on the weekend incredible as it did not comport with the timesheets. The PCA hours would be compressed into a week or two and then no PCA services were billed for several weeks. ID at 10.

The Initial Decision noted that Horizon did not present any evidence regarding the April 2018 assessment that scored Petitioner at eleven hours a week. Horizon explained that during the course of the hearing, Petitioner's new assessment permitted her to receive fourteen hours but Petitioner disenrolled from Horizon as of January 2019 which made this appeal moot. However, Petitioner likewise failed to provide any competent evidence that she was entitled to additional hours during the time period in question. The subsequent assessment in August 2018 assessed Petitioner's PCA needs at eighteen hours a week and was not appealed.

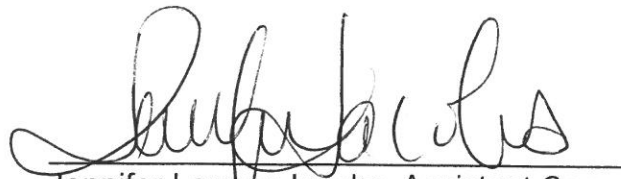
Based on my review of the record, I hereby ADOPT the Initial Decision finding that Horizon's determination to deny her request for eighteen hours of PCA services was correct and Petitioner failed to demonstrate otherwise. The fourteen hours assessed in

August 2018 was not contested and were the hours provided until Petitioner disenrolled from Horizon earlier this year.

THEREFORE, it is on this <sup>4th</sup> day of SEPTEMBER 2019,

ORDERED:

That the Initial Decision is hereby ADOPTED.

A handwritten signature in black ink, appearing to read "Jennifer Langer Jacobs", written over a horizontal line.

Jennifer Langer Jacobs, Assistant Commissioner  
Division of Medical Assistance  
and Health Services