



PHILIP D. MURPHY  
Governor

TAHESHA L. WAY  
Lt. Governor

**State of New Jersey**  
**DEPARTMENT OF HUMAN SERVICES**  
Division of Medical Assistance and Health Services  
P.O. Box 712  
Trenton, NJ 08625-0712

SARAH ADELMAN  
Commissioner

GREGORY WOODS  
Assistant Commissioner

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

E.P.,

PETITIONER,

v.

HORIZON NEW JERSEY HEALTH,

RESPONDENT.

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**ADMINISTRATIVE ACTION**

**FINAL AGENCY DECISION**

**OAL DKT. NO. HMA 01777-25**

As Assistant Commissioner for the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision and the Office of Administrative Law (OAL) case file. Exceptions were not filed by either party in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is October 30, 2025, in accordance with an Order of Extension.

This matter arises from Horizon's assessment of Personal Care Assistance (PCA) hours for Petitioner. Petitioner appealed the denial of his request for an increase of PCA hours, and the matter was transmitted to the OAL for a hearing.

PCA services are non-emergency, health related tasks to help individuals with activities of daily living (ADLs) and with household duties essential to the individual's health and comfort, such as bathing, dressing, and ambulation. 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. The regulations provide that PCA services are only warranted when the beneficiaries are "in need of moderate, or greater, hands-on assistance in at least one activity of daily living (ADL), or, minimal assistance or greater in three different ADLs, one of which must require hands-on assistance." N.J.A.C. 10:60-3.1(c). Additionally, instrumental activities of daily living (IADL) "such as meal preparation, laundry, housekeeping/cleaning, shopping, or other non-hands-on personal care tasks shall not be permitted as a stand-alone PCA service." N.J.A.C. 10:60-3.1(c)(1). The assessments use the State-approved PCA Nursing Assessment Tool (PCA Tool) to calculate the hours.

On October 30, 2024, Ala Latosh (Nurse Latosh), a Registered Nurse, and her supervisor, Vanessa Donaway (Nurse Donaway), a Registered Nurse, performed an assessment of Petitioner's PCA services to determine the hours of care needed. (R-4). Nurse Latosh started to perform the PCA assessment, but at Petitioner's request, Nurse Donaway finished it. ID at 3. Petitioner is 40 years old and suffers from unspecified back pain, GERD, anxiety, obesity, insomnia, and pre-diabetes. ID at 2. On November 14, 2024, Horizon notified Petitioner that their hours of PCA services per week were not being increased. (R-1). Petitioner filed an internal appeal and by letter dated December 10, 2024, Horizon notified Petitioner of their decision to uphold the determination. (R-2). A Fair Hearing was requested, and a hearing took place on July 16, 2025. ID at 2.

At the hearing, Nurse Donaway testified for Horizon regarding the assessment she conducted using the PCA Tool. ID at 3. Nurse Donaway went to Petitioner's home to conduct the PCA assessment and made observations and obtained information about Petitioner's activities of daily living (ADLs) and instrumental activities of daily living (IADLs). ID at 3-7. Nurse Donaway completed the PCA Tool and assigned scores for

ambulation, transferring, bathing, eating, positioning, toileting, personal hygiene/grooming, dressing, and for IADLs such as housekeeping services, bed linen changes, shopping for groceries, meal preparation, and laundry. (R-4). More specifically, Nurse Donaway observed that Petitioner was alert and oriented to person, place and time. ID at 3. Petitioner stated to her that he was hard of hearing but did not wear hearing aids and that his vision was blurry and he wore glasses for distance. Ibid. Nurse Donaway observed Petitioner using a cane to assist with mobility. Ibid. Petitioner reported that he had GERD, low vision, insomnia, long-term learning disability, pre-diabetes, anxiety, obesity, unspecified back pain and that the back pain was the reported limitation resulting in the need for PCA services. Ibid. Nurse Donaway rated Petitioner as moderately impaired with his cognitive/decision making ability, which under the tool was described as "repeated reminders to initiate, perform or self-direct activities." ID at 4. Nurse Donaway testified that initially Petitioner refused to ambulate for her, claiming that he was in pain and had just taken his pain medication. Ibid. However, by the end of the assessment he did get off the couch and ambulate for her. Ibid. Nurse Donaway stated that when Petitioner got up off the couch, he did not require weight-bearing support or need another person to help pick him up off the chair or bed. Ibid. Petitioner reported to Nurse Donaway that he needed assistance with getting up and down steps, that he did not have any falls in the last seven months, and that he has not had any recent hospitalization or ER visits. Ibid. Nurse Donaway testified that Petitioner reported to her that he was able to get in and out of bed independently. Ibid. Nurse Donaway also testified that E.P., Petitioner's caregiver and significant other, reported that she reminds Petitioner to shower, transfers him onto his shower chair, and closes the door, but that Petitioner can bathe himself. Ibid. Nurse Donaway testified that Petitioner reported that he can feed himself. Ibid. She also testified that she observed Petitioner change positions on the

couch and that Petitioner reported that he could change positions in bed without any assistance. ID at 5. Petitioner stated that he was incontinent and needed some assistance in the bathroom after a bowel movement. Ibid. S.P. reported that Petitioner wears pull-ups at night, but Nurse Donaway was informed by Petitioner's doctor that Petitioner is fully continent. Ibid. It was reported to Nurse Donaway that Petitioner could brush his own teeth, goes to a barber to get shaved, and that his hair was in braids. Ibid. In the IADL category, Petitioner was allocated time for doing laundry. ID at 6. Nurse Donaway testified that Petitioner qualified for PCA services because he needs limited assistance with at least three ADLs, which are ambulation, bathing, toileting, and dressing. Ibid. Nurse Donaway went on to state that, between ADLs and IADLs, Petitioner qualified for 434 minutes, which translated to 7.2 hours of PCA services per week. Ibid.

During the hearing, Petitioner testified that he was wearing pull-ups at the time of the assessment. ID at 7. He also testified that he ambulates with a cane, needs help getting out of chairs and that S.P. assists him in getting out of bed, into the shower and with changing his pull-ups. Ibid.

During the hearing, S.P. testified that she constantly has to remind Petitioner to brush his teeth and take a shower, and that she helps him with showering, which takes longer than five minutes. ID at 7. S.P. also testified that it was the doctor who prescribed pull-ups and bed pads because Petitioner is incontinent, and that Petitioner was wearing a pull-up at the time of the assessment. ID at 7-8. S.P. stated that Petitioner needs assistance to get out of the chair and that she had to assist him during the assessment by pushing the lever down on the recliner to help him get up. ID at 8. S.P. stated that many of the findings on the PCA tool were wrong because Petitioner needs help getting out of the chair and off of the sofa seven days a week, he needs help turning in bed, he

needs help getting out of bed, he needs help getting off of the toilet, he needs assistance outdoors because sometimes he gets lost and doesn't know his own address, he needs help putting his pants on and has fallen many times, he is incontinent and uses diapers and bed pads and that she prepares his meals separately because he has pre-diabetes. Ibid.

On cross-examination, S.P. was questioned about her relationship with Petitioner. ID at 9. S.P. denied any familial relationship with Petitioner, stating that her last name, which was the same as Petitioner's, was her birth name. Ibid. Eventually she admitted that Petitioner was the father of all her children, ages nineteen, sixteen, eleven, and six-year-old twins. Ibid.

In the Initial Decision, the Administrative Law Judge (ALJ) assessed the credibility of the witnesses. The ALJ found Nurse Donaway to be extremely knowledgeable in her job, thorough in her assessment of Petitioner, and credible. Ibid. The ALJ did not find Petitioner and S.P. to be particularly forthright as they were evasive at times. ID at 10.

The ALJ found that Petitioner does qualify for PCA services, having met the initial threshold of requiring hands on assistance for at least three ADLs. ID at 11. More specifically, the ALJ found that Nurse Donaway's assessment on the number of minutes allotted per day was correct. Ibid. Those amounts were 15 minutes of limited assistance per day for ambulation, 5 minutes of limited assistance per day for bathing, 10 minutes of limited assistance per day for toileting, and 5 minutes per day of limited assistance for dressing. ID at 11-12. Additionally, Petitioner was allotted an additional 430 minutes per week for IADL services such as housekeeping, laundry and decision making. ID at 12. In conclusion, the ALJ held that based on the assessment of Petitioner, Horizon's determination that Petitioner only qualified for 430 minutes, or 7.2 hours of PCA services,

not the requested 40 hours, was appropriate.<sup>1</sup> ID at 18. I agree.

Petitioner qualifies for PCA services as he requires limited assistance in three or more ADLs, pursuant to N.J.A.C. 10:60-3.1(c), based on Nurse Donaway's assessment of Petitioner. While Petitioner and S.P. testified to Petitioner's additional needs that they felt were not addressed properly in the assessment, the ALJ found that those statements were in contradiction to what was reported at the time of the assessment and contrary to Nurse Donaway's testimony, and I find no reason to disturb the ALJ's finding.

Based upon my review of the record and for the reasons set forth herein, I hereby ADOPT the Initial Decision in this matter and find that an increase in Petitioner's PCA hours was not warranted and that 7.2 hours per week of PCA services is appropriate at this time.

THEREFORE, it is on this 18th day of OCTOBER 2025,

ORDERED:

That the Initial Decision is hereby ADOPTED, as set forth herein and that Horizon's determination is affirmed.

  
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Gregory Woods, Assistant Commissioner  
Division of Medical Assistance and Health Services

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<sup>1</sup> The ALJ found that the assessment tool reflected 434 minutes a week; however, the ALJ's calculation came to 430 minutes a week.