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Assistant Commissioner

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

S.J.,

PETITIONER,

v.

HORIZON,

RESPONDENT.

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ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 10369-2024

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 August 14, 2025, in accordance with N.J.S.A. 52:14B-10 which requires an Agency Head to adopt, reject, or modify the Initial Decision within 45 days of the agency's receipt.

This matter arises from Horizon's assessment of Personal Care Assistance (PCA) hours for Petitioner. Petitioner appealed the termination 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
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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 April 5, 2024, Deysia Tucker (Nurse Tucker), a Registered Nurse, performed a reassessment of Petitioner's PCA services to determine the hours of care needed. (R-3). Petitioner is 37 years old and suffers from type two diabetes, hypertension, chronic heart failure, SVT, asthma, obstructive sleep apnea, gastroesophageal reflux, migraines, and hyperlipidemia. ID at 2. In March 2020, Petitioner had been approved for 33 hours a week of PCA services. (R-6). At that time, Petitioner was recovering from a stroke and was using a wheelchair. On May 1, 2024, Horizon notified Petitioner that their hours of PCA services per week were being terminated effective June 1, 2024. (R-1). Petitioner filed an internal appeal and by letter dated May 24, 2024, Horizon notified Petitioner of their decision to uphold the determination. (R-2). A Fair Hearing was requested, and a hearing took place on June 25, 2025. ID at 2.

At the hearing, Nurse Tucker testified for Horizon regarding the assessment she conducted using the PCA Tool. ID at 3. Nurse Tucker 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). Ibid. Nurse Tucker completed the PCA Tool during her visit 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-3). More specifically, Nurse Tucker observed Petitioner cooking a meal at the stove when she arrived. ID at 3. Petitioner was moving from the kitchen chair to the stove, bending and reaching, and moving around the home independently without using any assistive devices. Ibid. Nurse Tucker asked Petitioner questions about bathing and Petitioner stated that she only needed assistance washing her back. Ibid. Petitioner indicated that she could feed herself independently and does not need any assistance with toileting. Ibid. Petitioner stated that she cannot wash her face or brush her teeth, but Nurse Tucker observed Petitioner lifting items while cooking and having a full range of motion in both arms. Ibid. Petitioner stated that she has difficulty dressing her lower body, but Nurse Tucker observed Petitioner bending at the waist. Ibid.

During the hearing, Petitioner testified that Nurse Tucker was only at her home for five minutes and that Nurse Tucker only asked three questions during the interview but later testified that Nurse Tucker asked only five questions. Ibid. Petitioner testified that Nurse Tucker did not look at her medications or her asthma machine. Ibid. Petitioner also testified that she passes out a few times per week, gets radiation and chemotherapy, and that she has had several strokes and a heart attack. ID at 3-4.

Petitioner's husband and caretaker, A.T., testified that Petitioner "definitely needs help" and that Petitioner has been in and out of the hospital many times. ID at 4. A.T. has witnessed Petitioner throw up blood and he helps Petitioner wash her back in the

shower. Ibid.

Petitioner's aunt, D.M., testified that she visits Petitioner two to three times a week and goes shopping for her. Ibid. D.M. stated that "some days are good, and some days are bad" for Petitioner and that Petitioner cannot sit or stand for long periods of time and has shortness of breath. Ibid.

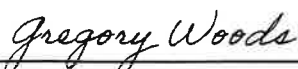
In the Initial Decision, the Administrative Law Judge (ALJ) finds that Petitioner only needs minimal hands-on assistance with bathing and that Petitioner does not need assistance with any other ADLs. ID at 4. Therefore, the ALJ concludes that Petitioner is ineligible for PCA services. I agree. Petitioner must be in need of moderate, or greater, hands-on assistance in at least one ADL or minimal assistance or greater in three different ADLs, one of which must require hands-on assistance. When approved for PCA services in 2020, Petitioner was recovering from a stroke and was using a wheelchair. As Petitioner now only needs minimal hands-on assistance with bathing, Petitioner no longer qualifies for PCA services.

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 the reduction in Petitioner's PCA hours was warranted.

THEREFORE, it is on this 8th day of AUGUST 2025,

ORDERED:

That the Initial Decision is hereby ADOPTED, as set forth herein and that Petitioner is ineligible for PCA services.



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