

the Initial Decision within 45 days of the agency's receipt. The Initial Decision was received on July 17, 2014.

I hereby ADOPT the Initial Decision (including the findings of fact and conclusions made therein) affirming the termination of Petitioner's Personal Care Assistant ("PCA") services because this decision was based upon substantial credible evidence and a proper application of the regulations.

I accept the ALJ's fact-findings, which are based, in part, upon her assessment of the witnesses who testified at the administrative hearing. The fact-finder's assessment of the credibility of witnesses is entitled to deference by the reviewing agency head. Clowes v. Terminix, 109 N.J. 577 (1988). Moreover, the termination action in this case was based upon the in-home assessment conducted by Sandra Surujballi, R.N. who interviewed and observed Petitioner in his home and concluded that he is able to attend to the activities of daily living independently and therefore does not require PCA services.

The possibility that J.R. may experience a tic or have a seizure exists regardless of how many PCA hours are provided. Moreover, PCA services are to be used for specific health related tasks, not to provide supervision or monitoring in case a particular condition occurs. Fortunately, J.R.'s seizures are controlled by medication. Unfortunately, there is no way to predict when a tic will occur and, as stated above, PCA services are not available for supervision. N.J.A.C. 10:60-3.8(c).

THEREFORE, it is on this 18th day of August 2014,

ORDERED:

That the Initial Decision affirming the termination of PCA services is hereby ADOPTED as the Final Decision in this matter.



Valerie J. Harr, Director
Division of Medical Assistance
and Health Services