



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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VALERIE HARR
Director

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

C.S.,
PETITIONER,
v.
UNITED HEALTHCARE,
RESPONDENT.
ADMINISTRATIVE ACTION
FINAL AGENCY DECISION
OAL DKT. NO. HMA 16677-14

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 contents of the OAL case file, Respondent's exceptions to the Initial Decision and Petitioner's response. Procedurally, the time period for the Agency Head to render a Final Agency Decision is July 20, 2015, 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. The Initial Decision was received on June 4, 2015.

Based upon my review of the record, I hereby MODIFY the Initial Decision reversing Respondent's reduction of Petitioner's Personal Care Assistant ("PCA") services from 40 to 25 hours per week. For the reasons which follow, I find that a reassessment should be performed.

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.

On September 25, 2014, C.S.'s HMO, United Healthcare, conducted a scheduled assessment. Using the PCA assessment tool, the HMO nurse considered ten categories of activities of daily living (ADLs) and assigned numerical scores based on C.S.'s need for assistance and determined that the needed services can be provided within 16 hours per week. However, after a review by United Healthcare's Medical Director, C.S. was approved for 25 hours per week.

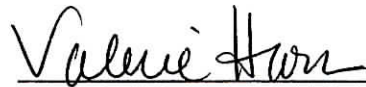
Unlike the ALJ, I am not persuaded that United Healthcare improperly used a 25 hour per week assessment tool. Although the tool contains a maximum score of 25, United Healthcare permits additional hours (up to 40) if, in the assessor's judgment and discretion, the 25-point tool does not accurately reflect the need for services. In this case, the Nurse Assessor approved Petitioner for 16 hours of PCA services per week. However, a subsequent review by United Healthcare's Medical Director resulted in Petitioner being

approved for 25 hours per week. Thus, it is clear that the Medical Director did take into account Petitioner's particular needs and circumstances as evidenced by the fact that he awarded an additional 9 hours of PCA services per week. That said, I am cognizant of the fact that a new 40-point PCA tool was approved by the State on January 1, 2015. Furthermore, 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. Since the last assessment was performed in September 2014, Petitioner is due for a reassessment using the new State approved PCA Tool. Should she disagree with the results of this assessment, she may request another fair hearing at that point.

THEREFORE, it is on this 2<sup>nd</sup> day of July 2015,

ORDERED:

That United Healthcare perform a reassessment using the new State approved PCA Tool. Petitioner's services shall be continued at 40 hours per week pending the reassessment.



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