

Based upon my review of the record, I hereby ADOPT the Initial Decision affirming United Healthcare's determination that Petitioner is not eligible for private duty nursing services. In order to be considered for private duty nursing services an individual must "exhibit a severity of illness that requires complex skilled nursing interventions on an ongoing basis". N.J.A.C. 10:60-5.3(b). "Complex" means the degree of difficulty and/or intensity of treatment/procedures." N.J.A.C. 10:60-5.3(b)(2). "Ongoing" is defined as "the beneficiary needs skilled nursing intervention 24 hours per day/seven days per week." N.J.A.C. 10:60-5.3(b)(1). The regulations define "skilled nursing interventions" as "procedures that require the knowledge and experience of licensed nursing personnel, or a trained primary caregiver." N.J.A.C. 10:60-5.3(b)(3). In this case, Petitioner was initially approved for overnight private duty nursing services for pulse oximeter and heart rate monitoring with intervention if needed. However, Petitioner's condition has been stable for over a year. As a result, he no longer meets the medical necessity criteria for private duty nursing.

Petitioner's mother contends that she needs assistance from a nurse to administer D.Z-D.'s medication through his gastrostomy tube. However, although, N.J.A.C. 10:60-5.4(b)2.ii provides that medical necessity may also be established if the individual needs gastrostomy feeding "when complicated by frequent regurgitation and/or aspiration", no medical evidence was presented to establish that D.Z-D.'s feedings are complicated by frequent regurgitation or aspiration. Because D.Z-D does not require complex, ongoing interventions by a licensed nurse, he does not meet the eligibility requirements for private duty nursing.

I suggest, however, that D.Z-D. be evaluated for alternatives to private duty nursing to address his medical and/or behavioral issues, such as Personal Care Assistant (PCA) services.

THEREFORE, it is on this 6th day of February 2015,

ORDERED:

That the Initial Decision affirming the denial of private duty nursing is hereby ADOPTED.



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