



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

G.A.,	:	
	:	
PETITIONER,	:	ADMINISTRATIVE ACTION
	:	
v.	:	FINAL AGENCY DECISION
	:	
UNITED HEALTHCARE,	:	OAL DKT. NO. HMA 13702-14
	:	
RESPONDENT.	:	

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 contents of the OAL case file, Petitioner's exceptions to the Initial Decision and Respondent's reply. Procedurally, the time period for the Agency Head to render a Final Agency Decision is April 30, 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 March 16, 2015.

Based upon my review of the record, I hereby ADOPT the Initial Decision affirming Respondent's reduction of Petitioner's Personal Care Assistant ("PCA") services from 33 to 21 hours per week.

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 July 10, 2014, G.A.'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 G.A.'s need for assistance and determined that the needed services can be provided within 12 hours per week. However, after a review by United Healthcare's Medical Director, G.A. was approved for 21 hours per week.

In a thorough and well-reasoned decision, the ALJ concluded that United Healthcare has not excessively reduced the amount of Petitioner's PCA hours. The ALJ pointed to the fact that the amount of hours allocated through the assessment tool together with the additional hours provided through the discretionary authority of United Healthcare's medical director "reflects an appreciation for the extent of her need" which is corroborated by the testimony of Petitioner herself as well as the testimony of the nurse providing Petitioner's PCA services. See Initial Decision at page 5. I agree with the ALJ and accept his

fact-findings, which are based, in part, upon his 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. 575 (1988).

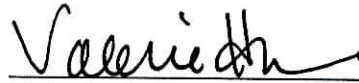
Additionally, like the ALJ, I am not persuaded that United Healthcare improperly used a 25 hour per week assessment tool. Although the tool contains a maximum score of 25, United Healthcare permits additional hours (up to 40) if, in the assessor's judgment and discretion, the 25-point tool does not accurately reflect the need for services. In this case, the Nurse Assessor approved Petitioner for 12 hours of PCA services per week. However, a subsequent review by United Healthcare's Medical Director resulted in Petitioner being approved for 21 hours per week. Thus, it is clear that the Medical Director did in fact appreciate the "extent of [Petitioner's] need" as evidenced by the fact that he awarded an additional 9 hours of PCA services per week. 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 July 2014, it appears that Petitioner is due for a reassessment using the new State approved PCA Tool.¹ Should Petitioner disagree with the results of this assessment, she may request another fair hearing at that point.

THEREFORE, it is on this *16th* day of April 2015,

¹ The State approved this PCA Tool on January 1, 2015.

ORDERED:

That the Initial Decision affirming the reduction of PCA services to 21 hours per week is hereby ADOPTED as the Final Decision.



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