



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
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KIM GUADAGNO
Lt. Governor

MEGHAN DAVEY
Director

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

L.S.,
PETITIONER,
v.
AMERIGROUP,
RESPONDENT.
ADMINISTRATIVE ACTION
FINAL AGENCY DECISION
OAL DKT. NO. HMA 18655-15

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 and United Healthcare's exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to render a Final Agency Decision is April 7, 2016, 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 February 22, 2016.

Based upon my review of the record, I hereby ADOPT the Initial Decision returning the case to Amerigroup to perform a reassessment of Petitioner's need for Personal Care Assistant ("PCA") services.

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 11, 2014, L.S.'s managed care organization (MCO), Amerigroup, conducted a scheduled assessment. Using the State-approved PCA Beneficiary Assessment Tool, Claudine Labady, RN, BSN, had a face-to-face visit with L.S. and considered several categories related to her functional limitations and determined the amount of time L.S. needed for each category. Based on this assessment, Amerigroup determined that the needed services could be provided within 17 hours per week. Following a reassessment on March 12, 2015 by Tonya McManus, RN, BSN, Petitioner's hours were increased to 40 per week. Thereafter, pursuant to a reassessment by Nurse Labady on October 12, 2015, Petitioner's hours were reduced to 17 per week. This appeal followed.

Like the Administrative Law Judge, I find that there is insufficient information in the assessment reports to justify the increase to 40 hours per week or the reduction to 17 hours per week. As a result, I agree that a reassessment should be performed. In the new assessment, the assessing

nurse should provide extensive detail regarding Petitioner's physical and cognitive limitations (including the nurse's personal observations of the Petitioner), her specific Activities of Daily Living (ADL) and Instrumental Activities of Daily Living (IADL) needs, and an explanation regarding the time and frequency of the needed service. There is a large discrepancy in the assessment reports regarding Petitioner's need for assistance with ADLs, particularly in the areas pertaining to ambulation, transferring, positioning, toileting and grooming. For this reason, I FIND that the new assessment must provide a detailed explanation to justify the Petitioner's needs and level of assistance for each of the tasks as well as the amount of time needed for each task. The assessment shall also include a summary of the nurse's personal observations of the petitioner and include additional information that supports any change in the number of hours previously authorized.

Should Petitioner disagree with the results of this new assessment, she may request another fair hearing at that point.

THEREFORE, it is on this 16th day of March 2016,

ORDERED:

That Amerigroup perform a reassessment. Petitioner's services shall be continued at 40 hours per week pending the reassessment.



Meghan Davey, Director
Division of Medical Assistance
and Health Services