



**State of New Jersey**

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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TRENTON, NJ 08625-0712

PHILIP D. MURPHY  
*Governor*

SHEILA Y. OLIVER  
*Lt. Governor*

SARAH ADELMAN  
*Commissioner*

JENNIFER LANGER JACOBS  
*Assistant Commissioner*

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

L.V.,

PETITIONER,

v.

AMERIGROUP,

RESPONDENT.

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**ADMINISTRATIVE ACTION**

**FINAL AGENCY DECISION**

**OAL DKT. NO. HMA 03578-2023**

As Assistant Commissioner for the Division of Medical Assistance and Health Services (DMAHS), I have reviewed the record in this case, including the Initial Decision and the Office of Administrative Law (OAL) case file. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to file a Final Agency Decision is September 1, 2023, 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 receipt. The Initial Decision was received on July 18, 2023.

This matter arises from Amerigroup's assessment of Personal Care Assistance (PCA) hours for Petitioner. Petitioner had requested a minimum of 80 hours of PCA services per week. Based upon Amerigroup's assessment, it was determined that 60 hours of PCA

services were medically necessary, and Amerigroup denied Petitioner's request for 80 PCA hours per week.<sup>1</sup>

PCA services are non-emergency, health related tasks to help individuals with activities of daily living (ADLs) 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. The regulations provide that PCA services are only warranted when the beneficiaries is "in need of moderate, or greater, hands-on assistance in at least one activity of daily living (ADL), or, minimal assistance or greater in three different ADLs, one of which must require hands-on assistance." N.J.A.C. 10:60-3.1(c). Additionally, instrumental activities of daily living (IADL) "such as meal preparation, laundry, housekeeping/cleaning, shopping, or other non-hands-on personal care tasks shall not be permitted as a stand-alone PCA service." N.J.A.C. 10:60-3.1(c)1. The assessments use the State-approved PCA Nursing Assessment Tool (PCA Tool) to calculate the hours.

Based upon my review of the record and for the reasons set forth in the Initial Decision, I hereby ADOPT the findings and conclusions of the Administrative Law Judge (ALJ) and FIND that Amerigroup properly denied Petitioner's request in this matter. The evidence in the record shows that Petitioner's needs can be met with 60 hours of PCA services per week. Petitioner's has failed to demonstrate that the number of PCA hours awarded by Amerigroup were insufficient to meet his needs.

Accordingly, the Initial Decision of the OAL is ADOPTED as the Final Agency Decision in this matter.

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<sup>1</sup> The Initial Decision discusses a February 27, 2023 letter Petitioner forwarded to Amerigroup regarding an appeal of 40 PCA hours per week. However, the only appeal at issue in this matter is an April 5, 2023 determination by Amerigroup to deny Petitioner's request for 80 PCA hours per week and approve Petitioner for 60 PCA hours per week. No other appeal is at issue.

THEREFORE, it is on this 1<sup>st</sup> day of SEPTEMBER 2023,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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Jennifer Langer Jacobs, Assistant Commissioner  
Division of Medical Assistance and Health Services