

State of New Jerney

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Governor

SHEILA Y. OLIVER
Lt. Governor

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
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SARAH ADELMAN

Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

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

Y.P.,

PETITIONER,

ADMINISTRATIVE ACTION

V.

FINAL AGENCY DECISION

AMERIGROUP.

OAL DKT. NO. HMA 01369-2023

RESPONDENT.

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 14, 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 31, 2023.

This matter arises from Amerigroup's assessment of Personal Care Assistance (PCA) hours for Petitioner. Petitioner had requested that he receive PCA services and elected to receive those services through the Personal Preference Program (PPP). Based upon Amerigroup's assessment, it was determined Petitioner need supervision and routine care needs. Amerigroup denied Petitioner's request as a result of the PCA services not being medically necessary.

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 the services requested are not medically necessary in this matter.

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

THEREFORE, it is on this 12th day of SEPTEMBER 2023,

ORDERED:

That the Initial Decision is hereby ADOPTED.

Jen January

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