



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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ELIZABETH CONNOLLY
Acting Commissioner

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

VALERIE HARR
Director

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

W.S., Jr.,

PETITIONER,

v.

UNITED HEALTHCARE,

RESPONDENT.

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ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 02044-15

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 Respondent's exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to render a Final Agency Decision is August 31, 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 July 17, 2015.

Based upon my review of the record, I hereby ADOPT with clarification the Initial Decision affirming Respondent's reduction of Petitioner's Personal Care Assistant ("PCA") services from 28 to 18 hours per week. For the reasons which follow, I agree with that decision but find that a reassessment should be performed.

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 3, 2014, W.S., Jr.'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 W.S., Jr.'s need for assistance and determined that the needed services can be provided within 9 hours per week. Although the tool contains a maximum score of 25, United Healthcare permitted 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 9 hours of PCA services per week. However, a subsequent review by United Healthcare's Medical Director resulted in Petitioner being approved for 18 hours per week. Thus, it is clear that the Medical Director took into account Petitioner's particular needs and circumstances as evidenced by the fact that he awarded an additional 9 hours of PCA services per week.

That said, I am cognizant of the fact that a new 40-point PCA tool was approved by the State on January 1, 2015. 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 September 2014, Petitioner is due for a reassessment using the new State approved PCA Tool. Should he disagree with the results of this assessment, he may request another fair hearing at that point.

THEREFORE, it is on this *18th* day of August 2015,

ORDERED:

That the Initial Decision affirming the reduction of PCA hours from 28 to 18 hours per week¹ is ADOPTED as the Final Decision in this matter, and

IT IS FURTHER ORDERED:

That United Healthcare perform a reassessment using the new State approved PCA Tool.



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

¹ As noted in Respondent's Exceptions, the Initial Decision mistakenly states that the number of hours approved by United Healthcare is 19, when in fact it is 18 hours.