

## State of New Jersey

DEPARTMENT OF HUMAN SERVICES DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES P.O. Box 712

Governor KIM GUADAGNO

Lt. Governor

CHRIS CHRISTIE

Trenton, NJ 08625-0712

**ELIZABETH CONNOLLY** Acting Commissioner

> MEGHAN DAVEY Director

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

Y.S.,

PETITIONER.

ADMINISTRATIVE ACTION

٧.

FINAL AGENCY DECISION

OAL DKT. NO. HMA 18720-15

UNITED HEALTHCARE.

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 documents in evidence and the contents of the OAL case file. No exceptions to the Initial Decision were filed. Procedurally, the time period for the Agency Head to render a Final Agency Decision is April 15, 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 March 1, 2016.

Based upon my review of the record, I hereby ADOPT the Initial Decision affirming Respondent's denial of increased Personal Care Assistant ("PCA") service hours. For the reasons which follow, I agree that Petitioner should continue receiving 21 hours of PCA services per week.

In addition to receiving 21 hours of PCA services, Y.S. attends Adult Medical Day Care each weekday. Y.S. receives PCA benefits through the Personal Preference Program, which is administered by the Division of Disability Services and allows elderly and disabled Medicaid recipients to direct and manage their PCA services. With a monthly cash allowance to cover 21 hours of PCA services, Y.S. pays his daughter-in-law, with whom he resides, to provide needed care.

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.

I find it significant that Petitioner presented no evidence suggesting that any needed service or task cannot be performed within 21 hours per week. Moreover, Petitioner provided no evidence or explanation as to why this amount of PCA services is insufficient with respect to his care needs. If the necessary personal care and household tasks can be accomplished within 21 hours per week, any additional hours would only be used for supervision or companionship which is not an authorized use of the service. See N.J.A.C. 10:60-3.8(c). This would be contrary to the purpose of the PCA program, which is intended to provide medically necessary assistance with specific health related tasks.

THEREFORE, it is on this  $\mathcal{A}^{r}$  day of March 2016,

## ORDERED:

That the Initial Decision affirming United Healthcare's denial of increased PCA hours is hereby ADOPTED as the Final Decision.

Meghan Davey, Director

Division of Medical Assistance

and Health Services