



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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MEGHAN DAVEY
Director

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

H.S.,

PETITIONER,

v.

UNITED HEALTHCARE,

RESPONDENT.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 09325-16

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 March 27, 2017, 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 10, 2017.

Based upon my review of the record, I hereby ADOPT the Initial Decision affirming Respondent's reduction of Petitioner's Personal Care Assistant ("PCA") service hours from 11 to 6 hours per week.


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 6 hours per week. Moreover, Petitioner provided no evidence or explanation as to why this amount of PCA services is insufficient with respect to her care needs. If the necessary personal care and household tasks can be accomplished within 6 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 ^{23rd} day of March 2017,

ORDERED:

That the Initial Decision affirming United Healthcare's reduction of PCA hours from 11 to 6 hours per week is hereby ADOPTED as the Final Decision.


Meghan Davey, Director
Division of Medical Assistance
and Health Services