



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
PO Box 712
TRENTON, NJ 08625-0712

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

CAROLE JOHNSON
Commissioner

MEGHAN DAVEY
Director

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

K.Z.,

PETITIONER,

v.

WELL CARE OF NJ,

RESPONDENT.

Vertical separator line consisting of a series of dots

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 16693-2017

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision, the OAL case file and the documents filed below. Petitioner filed exceptions in this matter. Procedurally, the time period for the Agency Head to file a Final Agency Decision in this matter is April 23, 2018 in accordance with an Order of Extension.

Based upon my review of the record and for the reasons which follow, I hereby ADOPT the Initial Decision affirming Well Care of NJ's determination that Petitioner is eligible for 16 hours of private duty nursing services (PDN).

Petitioner had been receiving twenty-four hours of PDN. Well Care of NJ noted that these hours had been approved in error and notified Petitioner that her hours would be reduced to comply with the limits on this service.

N.J.A.C. 10:60-5.9(c) provides:

Private duty nursing services shall be limited to a maximum of 16 hours, including services provided or paid for by other sources, in a 24-hour period, per person in CRPD, ABC and ACCAP. There shall be a live-in primary adult caregiver (as defined in N.J.A.C. 10:60-1.2) who accepts 24-hour per day responsibility for the health and welfare of the beneficiary.

N.J.A.C. 10:60-6.3(b)(2) provides:

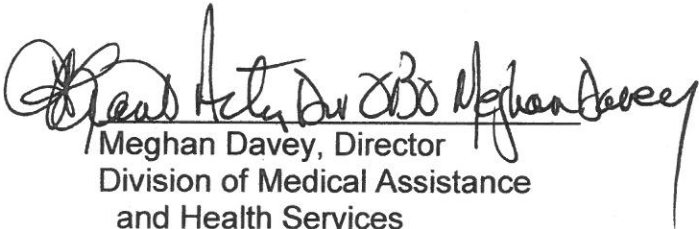
Private duty nursing is a waiver service provided under the Community Resources for People with Disabilities (CRPD) Waiver for any CRPD waiver beneficiary who meets the eligibility criteria for private duty nursing. Private duty nursing shall be provided in the community only, not in an inpatient hospital setting. The beneficiary shall have a live-in primary caregiver (adult relative or significant other adult) who accepts 24-hour responsibility for the health and welfare of the beneficiary. A maximum of 16 hours of private duty nursing, from all payment sources, may be provided in any 24-hour period. A minimum of eight hours of hands-on care shall be provided by the primary caregiver . . . (emphasis added).¹

I agree with the ALJ that Petitioner is only entitled to receive the maximum amount of PDN services as set forth above. Thus, I hereby incorporate the Initial Decision by reference and ADOPT the findings and conclusion set forth therein.

THEREFORE, it is on this ^{13th} day of APRIL 2018,

ORDERED:

That the Initial Decision is hereby ADOPTED.


Meghan Davey, Director
Division of Medical Assistance
and Health Services

¹ Beginning July 1, 2014, participants in Home and Community-Based Waivers, including CRPD, were encompassed in the Comprehensive Medicaid Waiver, and enrolled in Managed Long Term Services and Supports (MLTSS) which allows Medicaid managed care organizations (MCOs) to manage home and community based services for enrollees.