



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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Governor

SHEILA Y. OLIVER  
Lt. Governor

SARAH ADELMAN  
Commissioner

JENNIFER LANGER JACOBS  
Assistant Commissioner

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

A.G.,

PETITIONER,

v.

UNITED HEALTHCARE,

RESPONDENT.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 09000-21

As Assistant Commissioner for 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 Office of Administrative Law (OAL) case file. Neither party filed exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to render a Final Agency Decision is May 19, 2022 in accordance with an Order of Extension. The Initial Decision was received on February 16, 2022.

This matter arises from the United Healthcare's (United) April 2, 2020 denial of Petitioner's request for Personal Care Assistant (PCA) services. Based on my review of the record, I hereby ADOPT the findings, conclusions and recommended decision of the Administrative Law Judge (ALJ) in their entirety and incorporate the same herein by reference.

PCA services are non-emergency, health related tasks to help individuals with activities of daily living (ADL) 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. 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; J.R. v. Div. of Med. Assist. & Health Servs. and Div. of Disability Servs., No. A-0648-14 (App. Div. April 18, 2016). (Op. at 9). On December 27, 2019, United conducted an in-person assessment of Petitioner and determined that she did not requires PCA services.

Petitioner is a 73-year-old woman who lives by herself. She suffers from Parkinson's disease and incontinence. Her son, I.G., provides most of her care. Petitioner had been receiving 42 PCA hours per week, but was requesting 70 PCA hours per week. On July 22, 2021, Dinita Caldwell-Smith, R.N., performed an assessment of Petitioner using the PCA tool. Pursuant to the tool, Petitioner was assessed 39.6667 hours of weekly PCA services. This number was rounded up to 40. Because Petitioner had been receiving 42 hours of weekly PCA services, this amount was maintained due to COVID-19 requirements.

In a thorough, well-reasoned decision, the ALJ affirmed United's decision to deny Petitioner request for additional PCA services. It is apparent from the record that the ALJ took into account the documentary evidence and testimony of the witnesses to determine the appropriate amount of PCA hours for the Petitioner. I agree with the ALJ's finding that Petitioner, who lives alone, should have been allotted an additional hour for housekeeping. Additionally, I FIND that because Petitioner lives alone, she should have also received an hour for shopping. However, the addition of these two hours, for a total of 42 hours per week, does not change the ultimate outcome as the Petitioner currently receives 42 hours per week.

THEREFORE, it is on this 29th day of APRIL 2022,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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