



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

SARAH ADELMAN
Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

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

S.L.,	:	
	:	
PETITIONER,	:	ADMINISTRATIVE ACTION
	:	
v.	:	ORDER OF REMAND
	:	
UNITED HEALTHCARE,	:	OAL DKT. No. HMA 11092-2020
	:	
RESPONDENT.	:	

As Assistant Commissioner for the Division of Medical Assistance and Health Services (DMAHS), I have reviewed the record in this case, including the Initial Decision and the Office of Administrative Law (OAL) case file. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is July 21, 2022, in accordance with an Order of Extension.

This matter concerns the reduction of Petitioner's private duty nursing (PDN) hours by United Healthcare (United). Petitioner appears to have been receiving PDN services since November 1995. ID at 2 (citing R-2). However, the record is unclear regarding how many hours she was receiving and the reduction of those hours, which is the subject of this appeal. Specifically, United's initial determination letter, dated November 16, 2020, provided that it

was denying Petitioner's request for seven hours per day, six days per week and fourteen hours per day, one day per week of PDN services. R-5. However, under the "Reason for this action" section of the letter, it provided that Petitioner "now get[s] fourteen (14) hours per day, seven (7) days per week of [PDN] services." Ibid. The letter additionally provides that "[y]ou now get fifty-six (56) hours per week." Ibid. If Petitioner was receiving fourteen hours per day, seven days per week, Petitioner would have been receiving ninety-eight hours of PCA services per week, not fifty-six hours. Further, the letter provided that "[y]ou will get fourteen (14) hours per day, seven (7) days per week of private duty nursing. You will get this 10/31/2020 to 11/24/2020. Then, you will get seven (7) hours per day, seven (7) days per week of private duty nursing. You will get this 11/25/2020 to 1/28/2021. You will get these hours at night." Ibid.

The Internal Appeal letter, dated November 23, 2020, provided that United was upholding its November 16, 2020 determination to deny Petitioner's request for seven hours per day, six days per week and fourteen hours per day, one day per week of PDN services. R-7. However, the "Reason for this action" section of the letter states "[y]ou asked to continue [PDN services of] 14 hours a day" and provides that Petitioner's PDN hours would be reduced to 7 hours per day, as United concluded that fourteen hours per day was not medically necessary. Ibid. This letter makes no reference to how many days per week Petitioner had been receiving fourteen hours of PDN services.

While, the testimony at the hearing in this matter appears to make reference to only one day per week where Petitioner has been receiving fourteen hours of PDN services, the letters issued by United make it unclear how many hours per week Petitioner was receiving and how many hours were being reduced based upon United's assessment. Accordingly, the matter is being REMANDED to clarify the record regarding the hours per day and week Petitioner had been receiving PCA services prior to the November 16, 2020 determination by United to reduce Petitioner's PDN hours. Moreover, clarification should also be provided

on remand regarding how many hours per day and week are being reduced based upon United's assessment.

Further, the Initial Decision provides that "United conducts a review of the [P]etitioner's PDN services every ninety days. In the last review period, [P]etitioner was approved for and received fifty-six hours of skilled care and continues to do so as of this writing." ID at 3. It is unclear whether this means that Petitioner had a subsequent assessment that changed Petitioner's PDN hours after the assessment that is the subject of the present matter was performed or if this means that Petitioner was previously receiving fifty-six PDN hours per week, which was continued as a result of the present appeal. Accordingly, on remand, clarification regarding whether subsequent assessments have increased or decreased the amount of PDN hours Petitioner is receiving should be provided.

THEREFORE, it is on this 19th day of JULY 2022,

ORDERED:

That the Initial Decision is hereby REMANDED for clarification of the record in accordance with this decision.



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