



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**

T.O.,

PETITIONER,

v.

UNITED HEALTHCARE,

RESPONDENTS.

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ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 01604-2021

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 June 2, 2022, in accordance with an Order of Extension.

This matter arises from United Healthcare's (United) denial of Petitioner's request to increase his chore services to two days per month. Petitioner has been receiving one day of chore services per month, and United intended to maintain Petitioner at his current level. Based upon my review of the record, I hereby adopt the findings and conclusions of the Administrative Law Judge.

The Managed Long Term Services and Supports (MLTSS) program allows Medicaid managed care organizations (MCOs) to manage home and community based services for

enrollees. Members enrolled in MLTSS may avail themselves of certain self-directed services, such as chore services. All services are approved by the member's MLTSS Care Manager based on the individual's specific care needs and are included in a Plan of Care.

Chore services are defined as:

Services needed to maintain the home in a clean, sanitary and safe environment. The chores are non-continuous, non-routine heavy household maintenance tasks intended to increase the safety of the individual. Chore services include cleaning appliances, cleaning and securing rugs and carpets, washing walls, windows, and scrubbing floors, cleaning attics and basements to remove fire and health hazards, clearing walkways of ice, snow, leaves, trimming overhanging tree branches, replacing fuses, light bulbs, electric plugs, frayed cords, replacing door locks, window catches, replacing faucet washers, installing safety equipment, seasonal changes of screens and storm windows, weather stripping around doors, and caulking windows.

United Healthcare Policy, Appendix, MLTSS Services Dictionary.

Chore services are appropriate "only when neither the participant, nor anyone else in the household, is capable of performing the chore; there is no one else in the household capable of financially paying for the chore service; and there is no relative, caregiver, landlord, community agency, volunteer, or 3rd party payer capable or responsible to complete this chore." Ibid. Chore Services do not include "normal everyday housekeeping tasks such as dusting, vacuuming, changing bed linen, washing dishes, cleaning the bathroom, etc." Ibid.

Petitioner is requesting chore services to provide frequent and regular cleanings of his home, including dusting, vacuuming, and cleaning of his bathroom, especially the floor around his toilet. These requested services are routine, normal, everyday housekeeping services, which are specifically excluded from chore services. Petitioner has provided no legal basis to support a conclusion that extra chore services are warranted in this matter. I concur with the ALJ's assessment that Petitioner failed to demonstrate that United improperly denied his request. Accordingly, and based upon my review of the record, I hereby ADOPT

the ALJ's recommended decision and FIND that United's decision to deny Petitioner's request for additional chore services was appropriate. However, Petitioner may qualify for Personal Care Assistance (PCA) services. Accordingly, I direct United to complete an assessment to determine Petitioner's medical necessity for PCA services.

THEREFORE, it is on this 26th day of MAY 2022,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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