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Assistant Commissioner

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

M.Z.,

PETITIONER,

v.

DIVISION OF MEDICAL ASSISTANCE  
AND HEALTH SERVICES AND  
UNITED HEALTHCARE,

RESPONDENTS.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 11335-2023

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As Assistant Commissioner for the Division of Medical Assistance and Health Services (DMAHS), I have reviewed the record in this case, including the OAL case file, the documents in evidence, and the Initial Decision in this matter. Neither Party filed exceptions. Procedurally, the time period for the Agency Head to render a Final Agency Decision is November 12, 2024, in accordance with an Order of Extension.

This matter arises from United Healthcare's (United) August 17, 2023 assessment of Personal Care Assistance (PCA) hours for Petitioner. Based on the assessment, United denied Petitioner's request to increase the PCA hours from 23 to 40. The issue presented here is whether United correctly assessed Petitioner's PCA hours on August 17, 2023, under Medicaid regulations.

Under N.J.A.C. 10:60-3.1(b), PCA services include health related tasks associated with the cueing, supervision, and/or completion of the activities of daily living (ADL), as well as instrumental activities of daily living (IADL) related tasks performed by a qualified individual in a beneficiary's place of residence or place of employment.

Under N.J.A.C. 10:60-3.3(a), hands-on PCA services are described as ADLs, encompassing assistance with personal hygiene, grooming, toileting, changing bed linens, ambulation, transfers, and eating.

Under N.J.A.C. 10:60-3.3(b), IADL services are non-hands-on PCA services that are essential to the beneficiary's health and comfort and include housekeeping duties, laundry, shopping, and other essential errands, as well as meal preparation.

Under N.J.A.C. 10:60-3.5(3), a personal care assistant nursing reassessment visit shall be provided at least once every 12 months or more frequently if the beneficiary's condition warrants, to reevaluate the beneficiary's need for continued personal care assistance services. The assessments calculate the hours using the PCA Nursing Assessment Tool (PCA Tool).

On August 17, 2023, Nancy Garcia, a Registered Nurse, reassessed Petitioner's PCA hours after Petitioner's neurologist, Dr. Kapoor, requested 40 PCA hours for Petitioner. (RA-7.) Petitioner has Type 1 diabetes, high blood pressure, anemia, asthma, diabetic neuropathy, and a fatty liver. ID at 2. On March 19, 2024, Petitioner suffered a

heart attack and underwent a cardiac catheterization procedure at Hackensack University Medical Center (HUMC) on March 22, 2024. Ibid.

Petitioner was initially assessed on March 23, 2023 and was approved for 15 PCA hours. Ibid. Petitioner's PCA hours were increased from 15 to 23 after the May 25, 2023 assessment. Ibid. On August 17, 2023, Petitioner was again approved for 23 PCA hours since there was no change in condition. Ibid. Petitioner filed a request for a fair hearing. ID at 1. The matter was transmitted to the Office of Administrative Law (OAL). ID at 2.

On February 27, 2024, United performed another PCA evaluation and increased Petitioner's PCA hours from 23 to 26. ID at 3. On April 10, 2024, United performed a final PCA evaluation following Petitioner's discharge from HUMC, and it was determined that Petitioner needed 25.75 hours. Ibid. However, United did not decrease Petitioner's PCA service hours from 26 to 25.75. Ibid.

At the hearing, Nancy Garcia, a Registered Nurse for United, testified that she conducted the August 17, 2023 assessment at Petitioner's home in Spanish<sup>1</sup>. ID at 6. Garcia testified that Petitioner needs hands-on assistance with ambulation, transfers, bathing, toileting, and dressing. Ibid. Petitioner lives with a spouse, who works during the day but is home at night and on weekends. Ibid. Petitioner uses a cane while in the apartment. Ibid. Petitioner uses a transfer wheelchair when they go out. Ibid. Petitioner lives in a subsidized apartment with an elevator access. Ibid. Petitioner did not report any falls in the past 90 days. Ibid. For transfers, Petitioner was given the maximum of 15 minutes per day. Ibid. Petitioner needed assistance getting in and out of the bathtub. Ibid. Petitioner was given the maximum of 30 minutes for this task. Ibid. Petitioner was independent with feeding and could change positions in their bed. Ibid. Petitioner was given 50 minutes per day for toileting. Ibid. Petitioner was given the maximum of 60

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<sup>1</sup> Petitioner speaks only Spanish.

minutes per week for housekeeping. Ibid. Petitioner was not given any time for shopping since their spouse did all the shopping. Ibid. Petitioner was given maximum time for breakfast and lunch, but no additional time was given for the evening meals since their spouse prepares the evening meals. Ibid. Garcia concluded that per the PCA tool, Petitioner was entitled to twenty-three hours of PCA during the August 17, 2023 assessment. Ibid.

Amy Aronsky, the Medical Doctor for United, testified that she reviewed Garcia's evaluation and determined that it was consistent with the standards of the Administrative Code. ID at 8. Dr. Aronsky also reviewed Dr. Kapoor's recommendations for 40 PCA hours, but Dr. Aronsky stated that it has no bearing on the ultimate outcome of the case, since that determination was made by Garcia using the mandated PCA assessment tool. Ibid. Dr. Aronsky concluded that the amount of hours awarded to Petitioner was appropriate on August 17, 2023. Ibid.

Petitioner also testified that Garcia performed the evaluation in Spanish<sup>2</sup> and she accurately described their limitations. ID at 5. Petitioner further testified that their health worsened after a heart attack, and they needed more than 26 hours of PCA hours. Ibid.

The Administrative Law Judge (ALJ) found that United appropriately utilized the tool to assess the number of PCA hours per week needed for assistance with Petitioner's ADLs and IADLs. ID at 14. The ALJ further found that while Petitioner expressed a need for additional PCA hours, no evidence was presented to refute the tool findings or demonstrate that the request for additional hours of PCA services is medically necessary and/or in accordance with the regulations. Ibid. The ALJ concluded that United has proven by a preponderance of the credible evidence that its decision to deny Petitioner's

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<sup>2</sup> Ilene#204029(The last name is unknown) from Language Link Interpretation Services helped Petitioner during the hearing.

additional hours above the approved twenty-three (now twenty-six) PCA hours per week was reasonable and appropriate. Ibid.

I agree with the Initial Decision determination that United correctly determined the number of PCA hours Petitioner was entitled during the August 17, 2023 assessment, based on the level of assistance Petitioner needed. United used the PCA tool specifying the range time that may be allotted for each category, which complies with the regulation's express directive that health management providers calculate numerical scores based on Petitioner's need.

Based on my review of the record and based on the facts contained therein, I hereby ADOPT the Initial Decision.

THEREFORE, it is on this 8th day of NOVEMBER 2024,

ORDERED:

That the Initial Decision is hereby ADOPTED.

  
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Gregory Woods, Assistant Commissioner  
Division of Medical Assistance and Health Services