



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

P.O. Box 712
Trenton, NJ 08625-0712

CHRIS CHRISTIE
Governor

ELIZABETH CONNOLLY
Acting Commissioner

KIM GUADAGNO
Lt. Governor

MEGHAN DAVEY
Director

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

D.B.,	:	
PETITIONER,	:	ADMINISTRATIVE ACTION
	:	
v.	:	FINAL AGENCY DECISION
	:	
UNITED HEALTHCARE,	:	OAL DKT. NO. HMA 03233-16
	:	
RESPONDENT.	:	

As Director of 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, the contents of the OAL case file, Petitioner's exceptions to the Initial Decision and United Healthcare's reply. Procedurally, the time period to render a Final Agency Decision is August 25, 2016 in accordance with N.J.S.A. 52:14B-10 which requires an Agency Head to adopt, reject, or modify the Initial Decision within 45 days of the agency's receipt. The Initial Decision was received on July 11, 2016.

Based upon my review of the record, I hereby ADOPT the findings, conclusions and recommended decision of the Administrative Law Judge in their entirety and incorporate the same herein by reference. I agree with the Administrative Law Judge that the credible evidence in this record indicates that

Petitioner does not satisfy the eligibility criteria necessary to qualify for Personal Care Assistant (PCA) services pursuant to N.J.A.C. 10:60-3.1 et seq. Moreover, as set forth in United Healthcare's reply to Petitioner's exceptions, prior FADs have consistently stated that a new MCO that inherited a client who was given a certain amount of hours does not have the burden to disprove a prior assessment or award of PCA hours.¹

Petitioner may reapply for PCA services if there is a change in his condition.

THEREFORE, it is on this ^{3rd} day of August 2016,

ORDERED:

That the Initial Decision affirming the termination of PCA services is hereby ADOPTED as the Final Decision in this matter.


Meghan Davey, Director
Division of Medical Assistance
and Health Services

¹ See P.P.R. v. United Healthcare, OAL Dkt. No. HMA 04703-15, Final Agency Decision (May 23, 2016); B.R. v. United Healthcare, OAL Dkt. No. HMA 20718-15, Final Agency Decision (February 22, 2016); F.V. v. Horizon NJ Health, OAL Dkt. No. HMA 16988-14 Final Agency Decision (November 12, 2016).