



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

KIM GUADAGNO
Lt. Governor

ELIZABETH CONNOLLY
Acting Commissioner

MEGHAN DAVEY
Director

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

L.P.,

PETITIONER,

v.

UNITED HEALTHCARE,

RESPONDENT.

:
:
:
:
:
:
:
:
:
:
:
:
:

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 07754-17

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 and Petitioner's exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to render a Final Agency Decision is September 5, 2017, 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 20, 2017.

Based upon my review of the record, I hereby ADOPT the Initial Decision affirming Respondent's denial of increased Personal Care Assistant ("PCA") service hours. For the reasons which follow, I agree that Petitioner should receive 31 hours of PCA services per week.


PCA services are non-emergency, health related tasks to help individuals with activities of daily living 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.

I find it significant that Petitioner presented no evidence suggesting that any specific needed service or task cannot be performed within 31 hours per week. Moreover, Petitioner provided no evidence or explanation as to why this amount of PCA services is insufficient with respect to her care needs. If the necessary personal care and household tasks can be accomplished within 31 hours per week, any additional hours would only be used for supervision or companionship which is not an authorized use of the service. See N.J.A.C. 10:60-3.8(c). This would be contrary to the purpose of the PCA program, which is intended to provide medically necessary assistance with specific health related tasks.

THEREFORE, it is on this *32nd* day of August 2017,

ORDERED:

That the Initial Decision affirming United Healthcare's denial of increased PCA hours is hereby ADOPTED as the Final Decision.



Meghan Davey, Director
Division of Medical Assistance
and Health Services