

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. Petitioner was previously approved for 104 weekly hours of PCA services. He had been receiving that amount of services for almost a decade. On July 9, 2019, Dana Untamo, R.N., conducted a routine PCA assessment of Petitioner and determined that his needs could be met with 50 weekly hours of PCA services.

At the hearing, the ALJ heard the testimony of Petitioner and Untamo. The only documentary evidence submitted at the hearing was the July 2019 PCA assessment. Petitioner did not provide any evidence, aside from his own opinion, that he required additional PCA hours. Despite the lack of evidentiary support for 104 weekly PCA service hours, the ALJ made a clinical assessment that Petitioner "has extensive health care needs that necessitate significant care at an unskilled nursing level; that...require a significantly greater period than fifty (50) hours per week..." I FIND that this conclusion is unsupported by the record.

However, as previously stated, Petitioner was receiving 104 hours of weekly PCA services for almost a decade. Contrary to the ALJ's finding, the PCA tool does not arbitrarily limit PCA services to 50 hours per week. N.J.A.C.10:60-3.8 puts limitations on PCA services to prevent the duplication of services. Specifically, PCA services are limited to 40 hours per week with additional services to be provided based on exceptional circumstances. N.J.A.C. 10:60-3.8(g). Unquestionably, Petitioner should be provided with the number of hours that are necessary to meet his particular needs. Accordingly, the State approved PCA tool allows for additional time where there is a justified need, supported by a nurse's observations and medical records, for a particular service. This is evidenced by the fact that Petitioner had previously received in excess of 50 hours of

weekly PCA services. That said, Untamo's testimony does little to explain why Petitioner now requires only 50 hours of PCA services. While there is no requirement that Petitioner continue to receive the same amount of PCA services given in a prior assessment, the record here is too sparse to determine the accuracy of the July 2019 assessment. J.R. v. Div. of Med. Assist. & Health Servs. and Div. of Disability Servs., No. A-0648-14 (App. Div. April 18, 2016). (Op. at 9).

I FIND that the record in this matter is too thin to support a determination in favor of either the Petitioner or Respondent.

THEREFORE, it is on this 18th day of FEBRUARY 2020,

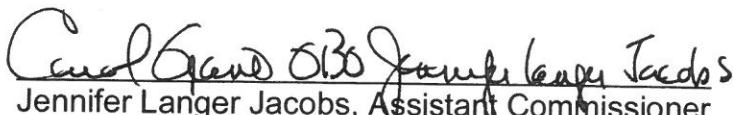
ORDERED:

That the Initial Decision is REVERSED; and

That the matter is RETURNED to Amerigroup to assess Petitioner's current condition within four weeks of this decision to determine the present medical necessity for PCA services and issue a new determination notice with appeal rights.

IT IS FURTHER ORDERED:

That Amerigroup shall continue Petitioner's 104 hours of weekly PCA services pending the reassessment.


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