



State of New Jersey

DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
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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

A.P.,

PETITIONER,

v.

UNITED HEALTHCARE,

RESPONDENT

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 09802-15

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 United Healthcare's Exceptions to the Initial Decision. Procedurally, the time period for the Agency Head to render a Final Agency Decision is May 19, 2016 pursuant to an Order of Extension.

Based upon my review of the record and for the reasons which follow, I hereby REVERSE the ALJ's recommended decision finding that Petitioner is eligible for adult day health services. I FIND that there is insufficient evidence to establish that Petitioner satisfies the clinical eligibility criteria necessary to qualify

for adult day health services pursuant to N.J.A.C. 10:164-1.5. The ALJ found that Petitioner satisfied the eligibility criteria based upon her need for blood pressure monitoring and socialization. I disagree with that determination.

As set forth in United Healthcare's exceptions to the Initial Decision, the burden is on Petitioner to establish eligibility for adult day health services. N.J.A.C. 10:164-1.5(e)4. In order to qualify, the regulations state that the individual must require limited assistance with a minimum of two activities of daily living (ADL) provided by the facility, have at least one skilled service provided by the facility, a rehabilitation need or require supervision and cueing in at least three ADLs and have problems with cognitive functioning. N.J.A.C. 10:164-1.5(f).

Petitioner contends that she meets the criteria for adult day health services because her need for blood pressure monitoring qualifies as a skilled service. However, there is no indication that she had unstable blood pressure that required continuous physician or advanced practice nurse intervention. This is clearly a regulatory requirement. Indeed, N.J.A.C. 10:164-1.2 specifically states: skilled service "means a needed skilled service provided by an RN or a licensed practical nurse, including but not limited to: . . . (3). Nurse monitoring (for example, medication administration, pacemaker checks, or the monitoring of urinary output, unstable blood glucose or unstable blood pressure that requires physician and/or advanced practice nurse intervention) . . ." (emphasis added).

Petitioner's own testimony at the hearing as well as her medical records from the

day care facility confirm that her blood pressure was within normal limits in the three months preceding United Healthcare's denial.

Based on the foregoing, I agree with United Healthcare that Petitioner has not satisfied the skilled service requirement necessary to qualify for adult day health services. Should Petitioner's condition deteriorate, she may reapply for services. Additionally, it appears that Petitioner may qualify for social day care, and I suggest that she contact the New Jersey Aging and Disability Resource Connection at 1-877-222-3737 for information about available programs and services.

THEREFORE, it is on this ^{20th} day of April 2016,

ORDERED:

That the recommended decision reinstating eligibility for adult day health services is hereby REVERSED.


Meghan Davey, Director
Division of Medical Assistance
and Health Services