



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

J.H.,

PETITIONER,

v.

UNITED HEALTHCARE,

RESPONDENT.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 17280-15

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 and the contents of the OAL case file. No exceptions to the Initial Decision were filed. Procedurally, the time period for the Agency Head to render a Final Agency Decision is June 24, 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 May 13, 2016.

Based upon my review of the record, I hereby ADOPT the Initial Decision modifying Respondent's reduction of Petitioner's Personal Care Assistant ("PCA") services from 40 to 15 hours per week and instead ordering the provision of 20 hours per week.

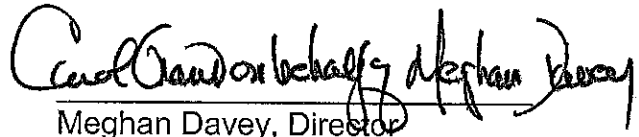
PCA services are non-emergency, health related tasks to help individuals with activities of daily living and with household duties essential to the individual's health and comfort, such as bathing, dressing, meal preparation and light housekeeping. The decision regarding the appropriate number of hours is based on the tasks necessary to meet the specific needs of the individual and the hours necessary to complete those tasks.

J.H.'s home health aide testified and the assessment report confirms that Petitioner is incontinent of bladder and uses diapers due to a prostate problem and requires limited assistance to ensure that he adequately washes his hands. As a result, I find the ALJ's recommendation that J.H. be provided with 245 minutes per week for toileting (35 minutes x 7 days) to be a reasonable one. I also agree that J.H. be provided with 105 minutes per week for personal hygiene (15 minutes x 7 days) to take into account that J.H. needs assistance with shaving, combing his hair and brushing his teeth. Additionally, due to Petitioner's weakness from a stroke and his above-average size and weight, I will also go along with the ALJ's recommendation that J.H. be provided with 105 minutes (15 minutes x 7 days) for dressing. I agree with the ALJ that the testimony and evidence in this record support the provision of 1,230 minutes or 20 hours per week.

THEREFORE, it is on this 17th day of June 2016,

ORDERED:

That the Initial Decision recommending 20 hours of weekly PCA services is ADOPTED as the Final Decision.



Meghan Davey, Director
Division of Medical Assistance
and Health Services