

State of New Jersey

PHILIP D. MURPHY Governor

SHEILA Y. OLIVER Lt. Governor

DEPARTMENT OF HUMAN SERVICES DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES PO Box 712 TRENTON, NJ 08625-0712

CAROLE JOHNSON Commissioner

JENNIFER LANGER JACOBS Assistant Commissioner

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

A.G.,

PETITIONER.

AMERIGROUP.

RESPONDENT.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 5019-2019

As Assistant Commissioner of the Division of Medical Assistance and Health Services, I have reviewed the record in this case consisting of the Initial Decision, the documents in evidence and the contents of the OAL case file. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to render a Final Agency Decision is September 27, 2019 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 receipt. The Initial Decision was received on August 13, 2019.

This matter arises from the assessment of Personal Care Assistance (PCA) hours for Petitioner. Petitioner, who has dementia, is seventy-two years old and resides with her husband, daughter and son-in-law. ID at 2. She had been approved for 42 hours a week of PCA benefits in September 2018. She was reassessed in January of 2019 and was found

to need 37.25 PCA hours. Those hours are converted to a cash allowance that Petitioner uses to pay her daughter for care. The daughter is also paid to take care of Petitioner's husband although his assessment is not at issue here.

PCA services are non-emergency, health related tasks to help individuals with activities of daily living (ADLs) 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. Once PCA services are authorized, a nursing reassessment is now performed every twelve months or more frequently if warranted, to reevaluate the individual's need for continued care. N.J.A.C. 10:60-3.5(a)3. The assessments use the State-approved PCA Nursing Assessment Tool to calculate the hours.

Petitioner's argument for additional hours was based on a letter from her doctor. However, as the ALJ noted, there was no foundation to admit the letter. Rather, Petitioner's case manager at Amerigroup went through the assessment and explained the basis for the hours in each of the areas of ADLs. Petitioner received the maximum number of minutes in certain areas such as toileting bathing and dressing. However, in certain areas, the minutes were adjusted in recognition that Petitioner did not need as much assistance with feeding or dinner preparation was a shared meal with the entire family and she did not need separate preparation. ID at 4. Similarly, Petitioner's groceries and incidentals were purchased at the same time her daughter shopped for herself so no minutes were allotted.

The Initial Decision noted that Petitioner did not dispute the assessment or the findings that Petitioner was able to feed herself some foods or that dinner was a shared

meal with the family. The narration of the case manager about how the minutes were awarded was not challenged by Petitioner.

Based on my review of the record, I hereby ADOPT the Initial Decision. At this time Petitioner appropriately receives 37.25 hours. Should Petitioner's condition change she may request a new reassessment.

THEREFORE, it is on this Liday of SEPTEMBER 2019,

ORDERED:

That the Initial Decision is hereby ADOPTED.

Jennifer Langer Jacobs, Assistant Commissioner

Division of Medical Assistance and Health Services