



**State of New Jersey  
 Department of Human Services  
 Division of Medical Assistance and Health Services**

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 Governor

**Carole Johnson**  
 Commissioner

**Sheila Y. Oliver**  
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**Meghan Davey**  
 Director

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

D.A.,	:	
	:	
PETITIONER,	:	<b>ADMINISTRATIVE ACTION</b>
	:	
v.	:	<b>FINAL AGENCY DECISION</b>
	:	
HORIZON NJ HEALTH,	:	<b>OAL DKT. NO. HMA 12463-18</b>
	:	
RESPONDENTS.	:	

As Director of the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision, the documents in evidence and Petitioner's Exceptions. Procedurally, the time period for the Agency Head to file a Final Agency Decision in this matter is April 8, 2019 in accordance with an Order of Extension. The Initial Decision in this matter was received on February 20, 2019.

Based upon my review of the record, I hereby adopt the findings and conclusions of the Administrative Law Judge in their entirety and I incorporate the same herein by reference. This matter concerns Horizon's June 14, 2018 denial of Petitioner's request for Chore Services.

The Managed Long Term Services and Supports (MLTSS) program allows Medicaid managed care organizations (MCOs) to manage home and community based services for enrollees. Members enrolled in MLTSS may avail themselves of certain self-directed services, such as Chore Services. All services are approved by the member's MLTSS Care Manager based on the individual's specific care needs and are included in a Plan of Care.

Chore Services are defined as:

Services needed to maintain the home in a clean, sanitary and safe environment. The chores are non-continuous, non-routine heavy household maintenance tasks intended to increase the safety of the individual. Chore services include cleaning appliances, cleaning and securing rugs and carpets, washing walls, windows, and scrubbing floors, cleaning attics and basements to remove fire and health hazards, clearing walkways of ice, snow, leaves, trimming overhanging tree branches, replacing fuses, light bulbs, electric plugs, frayed cords, replacing door locks, window catches, replacing faucet washers, installing safety equipment, seasonal changes of screens and storm windows, weather stripping around doors, and caulking windows.

Horizon Blue Cross Blue Shield Policy 31C.341 A.1-3.

Chore services are appropriate "only when neither the participant, nor anyone else in the household, is capable of performing the chore; there is no one else in the household capable of financially paying for the chore service; and there is no relative, caregiver, landlord, community agency, volunteer, or 3rd party payer capable or responsible to complete this chore." Appendix 1 Policy Procedural Work Flow B 2. Chore Services do not include "normal everyday housekeeping tasks such as dusting, vacuuming, changing bed linen, washing dishes, cleaning the bathroom, etc." Appendix 1 Policy Procedural Work Flow B 3.

Petitioner is requesting scheduled intensive cleaning, including dusting figurines, dusting bookcases, washing all dishes, cleaning the bathrooms, cleaning the inside and outside windows, moving furniture and cleaning carpets. Most of the requested services are routine, normal, everyday housekeeping services which are excluded from Chore Services. Furthermore, Chore Services are "non-continuous, non-routine heavy household maintenance tasked intended to increase the safety of the individual." (R-4), the need for which is evaluated on a case-by-case basis. Therefore, to the extent any specific, non-routine, non-continuous request for service may be covered by Chore Services, the member's need cannot be assessed, where, as here, the MCO is prohibited from contacting Petitioner's medical providers, and has no access to Petitioner's treatment records, claims or ongoing medical needs.<sup>1</sup> (ID at 7). This is especially necessary where, as here, Petitioner has already received such services and is requesting that they continue on a regular basis.<sup>2</sup>

Moreover, Chore Services are permitted only when neither the participant nor anyone else in the household, nor any caregiver, can perform the chore. Here, Petitioner's son and caretaker, J.A., lives with the Petitioner. J.A. testified that his own medical issues prevent him from performing any of the requested Chore Services, and specifically those that require lifting anything heavier than ten pounds. However, J.A. provided no corroborating documentary evidence to support his medical claims and failed to address his ability, or inability, to perform those services that do not require heavy lifting, such as dusting, cleaning the bathroom and cleaning windows. Additionally, Petitioner receives 35 hours of Personal Care Assistant (PCA) services per

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<sup>1</sup> In an attempt to establish medical necessity, Petitioner's attorney moved to introduce as evidence a doctor's note on cross examination of Horizon's Director of MLTSS. The author of the report was not present at the hearing and no foundation was established to authenticate the document or its contents.

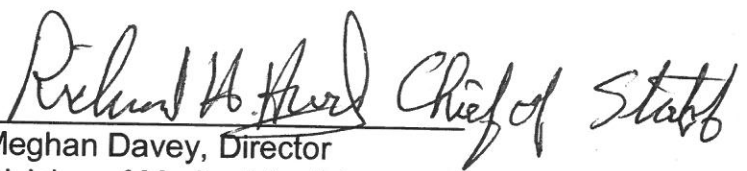
<sup>2</sup> Horizon previously authorized Chore Services in order to deep clean Petitioner's home to remove common asthma triggers such as dust mites and prevent respiratory decompensation. (ID at 6, P-6, P-7)

week. PCA services are non-emergency, health related tasks to help individual with activities of daily living and with household duties essential to the individual's health and comfort, including housekeeping.

THEREFORE, it is on this 17<sup>th</sup> day of APRIL 2019,

ORDERED:

That the Initial Decision is hereby ADOPTED.

  
Richard A. Hurd, Chief of Staff  
Meghan Davey, Director  
Division of Medical Assistance  
and Health Services