



State of New Jersey
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Lt. Governor

Meghan Davey
Director

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

I.S.,

PETITIONER,

ADMINISTRATIVE ACTION

v.

FINAL AGENCY DECISION

DIVISION OF MEDICAL ASSISTANCE :

OAL DKT. NO. HMA 04985-18

AND HEALTH SERVICES AND :

UNITED HEALTHCARE, :

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 OAL case file and the documents filed below. No exceptions were filed in this matter. Procedurally, the time period for the Agency Head to file a Final Agency Decision in this matter is January 31, 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 in this matter was received on November 1, 2018.

The issue in the case is whether Petitioners may receive PCA services solely for the provision of household duties. Covered home health care services, which include PCA services, are defined as “those services provided according to medical, nursing and other health care related needs, as documented in the individual plan of care, on the basis of medical necessity and on the goals to be achieved and/or maintained.” N.J.A.C. 10:60-2.1(b).

Specifically, PCA services are defined as health-related tasks performed by a qualified individual in a recipient’s place of residence, under the supervision of a registered nurse, certified as medically necessary, in accordance with a plan of care. N.J.A.C. 10:60-1.2. Most services requiring hands-on care are authorized including, but not limited to, bathing, toileting, assistance with ambulation and dressing. N.J.A.C. 10:60-3.3(a)1. The aide may also perform household duties essential to the recipient’s health and comfort, such as care of the bathroom and kitchen, laundry and bed-making. N.J.A.C. 10:60-3.3(a)2. Additionally, the aide may provide health related services, including assisting the recipient with the use of special equipment such as crutches or a wheelchair. N.J.A.C. 10:60-3.3(a)3.

N.J.A.C. 10:60-2.1(d)4.i specifically provides in pertinent part:

Household duties shall be considered covered services only when combined with personal care and other health services provided by the home health agency... The determining factor for the provision of household duties shall be based upon the degree of functional disability of the beneficiary, as well as the need for physician prescribed personal care and other health services, and not solely the beneficiary's medical diagnosis. (emphasis added)


Thus, although the regulations provide that a personal care aide may assist with cooking or laundry, these are housekeeping services, not medical services, as required by N.J.A.C. 10:60-2.1(b).

I find that the credible evidence in the record demonstrates that Petitioner IS able to independently perform the necessary activities of daily living. Thus, in accordance with N.J.A.C. 10:60-2.1(d)4.i, coverage for household services is not justified in the absence of "hands-on" personal care needs.

THEREFORE, it is on this ^{2nd} day of JANUARY 2019,

ORDERED:

That the Initial Decision is hereby ADOPTED.



Meghan Davey, Director
Division of Medical Assistance
and Health Services