



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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Governor

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Lt. Governor

SARAH ADELMAN
Acting Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

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

F.E.,

PETITIONER,

v.

LIFE ST. FRANCIS

RESPONDENT.

ADMINISTRATIVE ACTION

FINAL AGENCY DECISION

OAL DKT. NO. HMA 06843-20

As Assistant Commissioner 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. Neither party filed exception in this matter. Procedurally, the time period for the Agency Head to file a Final Decision is July 23, 2021 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 June 9, 2021.

This matter concerns the denial of Petitioner's request for PureWick at Home Urinary management system (PureWick). Petitioner is enrolled in LIFE St. Francis, a Program of All-Inclusive Care for the Elderly (PACE). Enrollment in the PACE

program is voluntary and coordinates care of Medicare and Medicaid services and provides comprehensive medical and social services to certain frail, community-dwelling elderly individuals. An interdisciplinary team (IDT) of health professionals provides PACE participants with coordinated care. The PACE program serves as the sole source of Medicaid and Medicare benefits for PACE participants. If an individual meets the eligibility requirements and elects PACE, then an agreement is signed and continues as long as desired by the individual, regardless of change in health status. See 42 C.F.R. § 460.2, et seq.

Life St. Francis provides Petitioner with nurses and certified home health aides four times per day between 9:00 am and 8:00 pm to provide wound care, change and clean the Petitioner as necessary. Petitioner's husband is her caretaker overnight. Petitioner is incontinent and lies most nights in a wet diaper until a nurse returns the following day. Petitioner has had a series of hospitalizations with repeated incidences of urinary tract infections (UTI). On December 16, 2019, upon discharge from a hospitalization at St. Francis Medical Center, Petitioner received a prescription for PureWick. The IDT responsible for her plan of care reviewed the request. On December 17, 2019, that request was denied.

Petitioner appealed through the PACE appeal process that begins with a third party review. 42 CFR § 460.122. That review, conducted by Kim May, M.D. from Mercy LIFE West Philadelphia, upheld the denial of service and found that because of Petitioner's "impaired skin integrity treated with barrier cream, sacral wounds and fecal incontinence," the PureWick system was not recommended. At that point, Petitioner had the right to request a fair hearing and exercised that right.


At the hearing staff from the PACE organization testified regarding Petitioner's request. Heather Laughland, APN, has been Petitioner's primary care provider since 2019. Laughland conducted an in person assessment and researched at home use of the PuerWick system. Laughland found that PureWick was not recommended for individuals with bowel incontinence without a "fecal management system in place," nor for patients with "skin breakdown at the site and is advised not to use barrier crème on the perineum as it may impede suction." Laughland concluded that Petitioner's known conditions, including a sacral wound and compromised skin integrity, which requires a barrier cream, that the risk to Petitioner outweighed any benefits to the PureWick system. Laughland's supervisor, Dr. Rachel Liebman, D.O., Medical Director of LIFE St. Francis, testified that she agreed with Laughland's recommendation.

I agree with the Initial Decision that the evidence in the record supports the finding that the denial of the PureWick system is in the Petitioner's best interest. Thus, for the reasons stated above, I ADOPT the Initial Decision in its entirety and incorporate the same herein by reference.

THEREFORE, it is on this ^{23rd} day of JULY 2021,

ORDERED:

That the Initial Decision is ADOPTED.


Jennifer Langer Jacobs, Assistant Commissioner
Division of Medical Assistance
and Health Services