State of New Jersey
DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES
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SARAH ADELMAN
Acting Commissioner

JENNIFER LANGER JACOBS
Assistant Commissioner

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

K.D.	:	
PETITIONER,	:	**ADMINISTRATIVE ACTION**
v.	:	**FINAL AGENCY DECISION**
AMERIGROUP,	:	**OAL DKT. NO. HMA 05607-19**
RESPONDENT.	:	

As Assistant Commissioner for 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 exceptions in this matter. Procedurally, the time for the Agency Head to file a Final Decision is August 12, 2021 in accordance with an Order of Extension.

For the reasons that follow, I hereby ADOPT the findings, conclusions, recommended decision of the Administrative Law Judge (ALJ) in their entirety, and incorporate the same herein by reference. I FIND that Petitioner has failed to demonstrate that the Icare Home Tonometer device is medically necessary in accordance with

N.J.A.C. 10:49-5.5(a)1.

The matter arises regarding the denial of Petitioner's request for Durable Medical Equipment (DME), specifically an Icare home tonometer. DME is an item or apparatus that is primarily or customarily prescribed to serve a medical purpose and is medically necessary for the beneficiary for whom requested; is generally not useful to a beneficiary in the absence of a disease, illness, injury, or disability; and is capable of withstanding repeated use (durable) and is nonexpendable. N.J.A.C. 10:59-1.2. DME is not primarily for the convenience of the patient or the doctor. A home tonometer measures intraocular pressure, which is stored and coded. The device then needs to be taken to a doctor's office and read by an ophthalmologist. A tonometer is a monitoring device.

Linda Urbanski, M.D., National Medical Director at Athem Utilization Management, testified as to the basis for the denial. In making her determination, she reviewed the Medicare and Medicaid rules, the Anthem/Amerigroup DME guidelines and the paper underwritten by Icare about its own product. She testified that any DME had to be reasonable and necessary for the treatment of an illness or injury, or to improve the functioning of a malformed body member, a home tonometer was a monitoring device, not used to treat an illness or injury. The monitoring of eye pressure could be performed on a routine basis in a doctor's office, which is a covered benefit. She reiterated that the at home tonometer is a monitoring device and is neither DME nor medically necessary for the Petitioner.

Moreover, Respondent, as well as two independent reviewers, MAXIMUS and IPRO, found no medical necessity for a home tonometer.[1] Additionally, the prescriptions

[1] The federal reviewer, MAXIMUS, found that the "the available documentation does not support than an at home tonometer is medically reasonable and necessary…: R-11. The IPRO held that with respect to home tonometers "none to date completely fulfills the goal of providing a true diurnal IOP(intraocular pressure) profile. In this case,

written by Petitioner's doctors do not clearly explain the medical necessity for the Icare home tonometer, and neither appeared at the hearing to testify to the medical necessity of the device. Having reviewed this case file, I concur with the Initial Decision that the Icare home tonometer was appropriately denied as it was not medically necessary and that Petitioner's primary desire for the equipment was for his convenience. Thus, I hereby ADOPT the Initial Decision.

THEREFORE, it is on this 1st day of JULY 2021,

ORDERED:

That the Initial Decision is hereby ADOPTED.

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

there is no medical necessity for this device. It is considered a luxury item." R-13.