



State of New Jersey

DEPARTMENT OF HUMAN SERVICES

DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES

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Assistant Commissioner

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

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| T.J.S. | : | |
| | : | |
| PETITIONER, | : | ADMINISTRATIVE ACTION |
| | : | |
| v. | : | FINAL AGENCY DECISION |
| | : | |
| UNITED HEALTHCARE, | : | OAL DKT. NO. HMA 05801-2021 |
| | : | |
| RESPONDENTS. | : | |

As Assistant Commissioner for the Division of Medical Assistance and Health Services, I have reviewed the record in this case, including the Initial Decision and the Office of Administrative Law (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 February 3, 2022, in accordance with an Order of Extension.

This matter arises from United Healthcare's (United) assessment of Personal Care Assistance (PCA) hours for Petitioner. This was an initial assessment for services, and based on that assessment, Petitioner was found to not meet the criteria for PCA hours. Petitioner, through his mother, J.A.S., appealed the denial, and the matter was transmitted to OAL.

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. The regulations provide that PCA services are only warranted when the beneficiaries is "in need of moderate, or greater, hands-on assistance in at least one activity of daily living (ADL), or, minimal assistance or greater in three different ADLs, one of which must require hands-on assistance." N.J.A.C. 10:60-3.1(c). Additionally, instrumental activities of daily living (IADL) "such as meal preparation, laundry, housekeeping/cleaning, shopping, or other non-hands-on personal care tasks shall not be permitted as a stand-alone PCA service." N.J.A.C. 10:60-3.1(c)1. The assessments use the State-approved PCA Nursing Assessment Tool (PCA Tool) to calculate the hours.

At the hearing, Joann Desmet, a Registered Nurse for United, testified regarding the assessment she conducted using the PCA Tool. Due to the COVID-19 pandemic, the assessment was done over the phone in May 2021. J.A.S. was interviewed with regard to Petitioner's need for PCA services. Petitioner is an adult male with congenital heart defects, intellectual delays, and speech impairments, as well as autism and Asperger's Syndrome. ID at 3 and R-8. He resides with his parents and relies on them for day-to-day care. Ibid. Ms. Desmet initially scored 8.75 hours on the PCA Tool for Petitioner; however, following a medical review by Dr. David Sorentino, who also testified at the hearing in this matter, the scoring changed for bathing and personal hygiene and it was determined that Petitioner did not qualify for PCA services at the time of his May 2021 assessment. Id. at 3 and 6. By letter, dated May 14, 2021, United advised Petitioner that "You do not need help with mobility. You do not need help to transfer. You do not need help to eat. You do not need help to position. You do not need help to use the toilet. You do not need hands on help to bathe. You need limited help with two (2) activities of daily living. You need help to groom. You need help to dress." R-1. Following a Stage 1, internal appeal, United upheld their

determination that Petitioner did not qualify for PCA hours.

The original assessment performed by Ms. Desmet in this matter determined that Petitioner met the criteria necessary to qualify for PCA services. However, based upon that assessment, a medical review was subsequently performed that determined that the initial assessment was incorrect and that Petitioner only needed assistance in two ADLs, rather than the three necessary to qualify for PCA services. The record is unclear regarding whether another assessment was performed to ascertain Petitioner's medical necessity for PCA services and whether the initial assessment's determination that Petitioner needed assistance with at least three ADLs was appropriate. The initial assessment is now almost a year old and Petitioner's needs may have changed. It is, thus, necessary that a new assessment be performed to determine Petitioner's medical necessity for PCA services.

Accordingly, and based on my review of the record, I hereby REVERSE the Initial Decision and direct United to perform a new assessment related to Petitioner's medical necessity for PCA services within three weeks of the issuance of this decision.

THEREFORE, it is on this 2nd day of FEBRUARY 2022,

ORDERED:

That the Initial Decision is hereby REVERSED; and

That United shall assess Petitioner's current condition within three weeks of this decision to determine the present medical necessity for PCA services and issue a new determination notice with appeal rights.



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