

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 are “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.

Petitioner is an adult with multiple sclerosis who currently receives thirty-seven PCA hours per week. Petitioner filed a request for additional hours. (R-3.) On July 10, 2023, Janki Patel-Jain, MSN, RN used United’s PCA Tool to complete an assessment of the Petitioner. This assessment resulted in a determination of 35.1667 PCA hours per week. (R-1.) United conducted an internal appeal on August 18, 2023, and agreed with the initial assessment. At the hearing, David Sorrentino, M.D. the Conflict Care Medical Director for United testified regarding the assessment performed by Nurse Patel-Jain, using the PCA Tool. Dr. Sorrentino went through each ADL and agreed with the assessment. He also stated that while the results of the assessment were for 35.1667 PCA hours per week, the Petitioner had been receiving thirty-seven hours, and that his PCA hours should remain at that level.

Pursuant to N.J.A.C. 10:60-3.9, in order to receive PCA services, a registered nurse must perform an assessment on the beneficiary to determine the appropriate number of hours of care that the beneficiary needs. To conduct the assessment, the nurse has to fill out a PCA assessment form that is approved by the State and addresses how many minutes of assistance the beneficiary needs in the following areas: “Supportive

service/living environment needs;" "Cognitive/mental status;" "Ambulation/mobility;" "Ability to transfer;" "Ability for feed himself or herself;" "Ability to bathe himself or herself;" "Ability to toilet himself or herself;" "Ability to perform grooming and dressing task;" "Ability to perform housekeeping and shopping tasks;" and "Ability to perform laundry tasks." N.J.A.C. 10:60-3.9(b)(1). Generally, PCA services are limited to forty hours per week, and can only be increased upon a showing of "exceptional circumstances." N.J.A.C. 10:60-3.8(g).

In this case, Nurse Patel-Jain completed an assessment using the state-approved PCA tool on July 10, 2023. (R-1.) In the assessment, Nurse Patel-Jain reviewed all the areas required by N.J.A.C. 10:60-3.9(b)(1), and determined that the Petitioner qualified for 2110 minutes, or 35.1667 hours of PCA services. Ibid. The Administrative Law Judge (ALJ) found in the Initial Decision that United utilized the state-approved PCA tool appropriately to determine the number of PCA hours the Petitioner needed and upheld the denial for an increase in PCA hours. This assessment was also reviewed by Dr. Sorrentino, who testified that the assessment was "valid and appropriate."

Based upon my review of the record and for the reasons set forth in the Initial Decision, I hereby ADOPT the findings and conclusions of the ALJ and FIND that United properly denied Petitioner's request for additional PCA hours in this matter. The evidence in the record shows that Petitioner's needs can be met with the thirty-seven hours of PCA services he is already receiving every week. Petitioner failed to demonstrate that the number of PCA hours awarded by United were insufficient to meet Petitioner's needs, that United did not appropriately utilize the state-approved PCA tool, that the need for additional hours of PCA services were medically necessary, or that exceptional circumstances exist to warrant more than the thirty-seven hours per week of PCA services the Petitioner was already receiving.

Thus, for the reasons set forth in the Initial Decision and set forth above, I hereby ADOPT the Initial Decision in this matter.

THEREFORE, it is on this 12th day of March 2024,

ORDERED:

That the Initial Decision is hereby ADOPTED.



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