

## **ISSUE**

Did Respondent properly deny Petitioner's request for an increase in home care services?

## **FINDINGS OF FACT**

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. Petitioner is enrolled to receive services through Respondent.
2. Respondent is a service provider through the Program of All-Inclusive Care for the Elderly (PACE).

3. Petitioner is REDACTED years old, and Petitioner depends on a wheelchair or walker to get around.
4. Petitioner lives on the main floor of his home. Petitioner's bedroom and bathroom are on the main floor of his home.
5. Petitioner's home has an upstairs level with an open room and a bathroom. The staircase to the upstairs level is a spiral staircase. Petitioner has guests that use the upstairs level of his home. Petitioner does not use the upstairs level of his home because Petitioner does not feel safe using the stairs.
6. Respondent has been providing Petitioner with one hour of home care services biweekly to provide housekeeping on the main floor of his home. Respondent has not been providing home care services to provide housekeeping on the upstairs level Petitioner's home.
7. Petitioner asked Respondent to provide additional home care services to clean the upstairs level of his home because Petitioner has guests that visit him and use the upstairs level of his home. Petitioner also asked Respondent to provide additional home care services to change his bedding weekly.
8. Respondent had Petitioner's RN case manager assess Petitioner's request.
9. On July 18, 2024, Petitioner's RN case manager met with Petitioner in his home. Petitioner's RN case manager documented the following pertinent information:
  - a. Petitioner stated that he would like his bed sheets changed weekly because he sweats during the summer months.
  - b. Petitioner stated that he is unable to lift the mattress on his own to make his bed.
  - c. Petitioner's RN case manager spoke with Petitioner's home care worker, and she advised that Petitioner does not need to lift his mattress to make his bed.
  - d. Petitioner stated that he also wanted his upstairs vacuumed.
  - e. Petitioner stated that he goes upstairs occasionally.
10. Petitioner's RN case manager determined that Petitioner's request for additional home care services should be denied because Petitioner is able to make his own bed, and Petitioner does not use the upstairs level of his home.

11. On July 19, 2024, Petitioner's interdisciplinary team (IDT) reviewed Petitioner's RN case manager's recommendation, and Petitioner's IDT decided to deny Petitioner's request for additional home care services.
12. On July 19, 2024, Respondent mailed an adequate action notice denial of service to Petitioner to notify him that his request for an increase in home care was denied. The reason stated in the denial was, "your needs are being met with your current home care interventions."
13. Petitioner appealed Respondent's denial.
14. On July 24, 2024, Respondent mailed Petitioner a notice of an internal appeal hearing scheduled to be held by Zoom videoconference at 3:00 p.m. on July 30, 2024.
15. On July 30, 2024, an internal appeals committee comprised of three individuals from different PACE organizations considered Petitioner's appeal, and the internal appeals committee decided to uphold Respondent's denial. The reason stated in the decision was, "your personal care needs are being met with the current home care interventions."
16. On August 19, 2024, Petitioner requested a hearing to dispute the denial.

#### CONCLUSIONS OF LAW

The Medical Assistance Program (MA) is established pursuant to Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). It is administered in accordance with state statute, the Administrative Code, and the State Plan under Title XIX of the Social Security Act Medical Assistance Program.

Petitioner is receiving services through PACE, a program that provides comprehensive care for older adults through Medicaid and Medicare to enhance their quality of life, maximize dignity and respect for them, enable them to live in their community as long as socially feasible, and preserve and support their families. 42 CFR 460.4(b). PACE services provide an alternative to traditional nursing facility care. *MDHHS Medicaid Provider Manual* (July 1, 2024), Program of All-Inclusive Care for the Elderly Chapter, Section 1, p. 1. When an individual enrolls in PACE, PACE becomes the sole source of services for Medicaid and Medicare for the individual. *Id.* at Section 2, p. 2. Petitioner enrolled in PACE, and Respondent is Petitioner's PACE service provider.

In this case, Petitioner is disputing Respondent's decision to deny his request for an increase in home care services. Petitioner has not presented sufficient evidence to establish by a preponderance of the evidence that Respondent's decision was improper. Therefore, Respondent's decision must be affirmed.

A PACE organization is able to coordinate the entire array of services to older adults with chronic care needs while allowing them to maintain independence in the community for as long as possible. *Id.* The PACE service package must include all Medicare and Medicaid covered services, in addition to other services determined necessary by the IDT for the individual beneficiary. *Id.* Services must include, but are not limited to, home health care, personal care, homemaker, and chore services. *Id.*

Petitioner's IDT determined that Petitioner's requested increase in home care was not necessary because Petitioner's personal care needs were being met with his currently authorized home care. Specifically, Petitioner's IDT determined that Petitioner did not need home care to change his sheets because Petitioner was able to change his sheets independently; and Petitioner's IDT determined that Petitioner did not need home care to clean the upstairs level of his home because Petitioner did not use the upstairs level of his home. Petitioner acknowledged that he does not use the upstairs level of his home. Petitioner advised that he wants to have the upstairs level of his home cleaned so that his guests have a clean and comfortable place to stay.

Based on the evidence presented, Respondent properly determined that Petitioner's requested increase in home care services was not necessary. Therefore, Respondent properly denied Petitioner's request.

#### DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, decides that Respondent properly denied Petitioner's request for an increase in home care services.

IT IS ORDERED that Respondent's decision is AFFIRMED.