

Mr. B's foster home placement is provided as part of his Medicaid Waiver services. Mr. B's approved Medicaid Waiver plan of care states that he has "one consistent provider 24 hours a day."⁷

Mr. B requested that he receive PCA services. D C, a registered nurse, performed an assessment of him on April 27, 2012 to determine whether his care needs were sufficient to qualify him for PCA services. Her assessment concluded that Mr. B was functionally eligible for PCA services.⁸

The Agency denied Mr. B's request because his care needs were already being met through his Medicaid Waiver foster home placement.⁹

Mr. B's care requires that he be transferred in and out of the bed, wheelchair, bathtub, etc.¹⁰ He is too big for one person to perform the transfer task safely. Because he is constantly moving, it is safer for two people to transfer him than to rely on an assistive device such as a hooyer lift.¹¹ In addition, while Mr. B has a hooyer lift available to him in his natural family's home, it is not present or used in his foster home because it is too big and bulky for use there.¹²

III. Discussion

The PCA program provides eligible recipients with assistance with their activities of daily living such as bathing, dressing, toileting, transferring, and walking.¹³ PCA services are provided only in a recipient's personal residence or to a Medicaid Waiver recipient who receives residential habilitation services provided in a licensed foster home.¹⁴ However, PCA services are not provided if they duplicate services that are already provided to a Medicaid Waiver recipient as part of that recipient's Medicaid Waiver plan of care.¹⁵

The facts of this case show that Mr. B is a Medicaid Waiver recipient who receives residential habilitation services in a licensed foster home. His foster home provides him with his basic care needs. While his foster home has two adults in it, Mr. and Ms. T, Mr. T is not in the home for 12 hours at a time due to his work. This means that Ms. T is Mr. B's sole caregiver during a large part of the day.

Mr. B, however, requires two persons to transfer him safely. Ms. T cannot do this safely without assistance. Mr. B's Medicaid Waiver plan of care does not state that he has two foster home

⁷ Ex. L, p. 14.

⁸ Ex. E, p. 33.

⁹ Ex. D.

¹⁰ C testimony.

¹¹ Dr. Jones testimony.

¹² Ex. E, p. 29; C testimony.

¹³ See 7 AAC 125.030 for a list of services provided through the PCA program.

¹⁴ 7 AAC 125.050 (a) and (b)(3).

¹⁵ 7 AAC 125.040(a)(11).

caregivers; it instead provides that he has “one consistent provider 24 hours a day.”¹⁶ Consequently, Mr. B’s Medicaid Waiver services, as provided in his foster home, do not provide him with the two persons necessary to transfer him safely.

Mr. B has therefore met his burden of proof, and established that he has PCA care needs that are not being met by his Medicaid Waiver services.

IV. Conclusion

The Agency’s decision to deny Mr. B’s application for PCA services is REVERSED.¹⁷

DATED this 6th day of August, 2012.

Signed

Lawrence A. Pederson
Administrative Law Judge

Adoption

The undersigned, by delegation from of the Commissioner of Health and Social Services, adopts this Decision under the authority of AS 44.64.060(e)(1), as the final administrative determination in this matter.

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with Alaska R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this 17th day of August, 2012.

By: *Signed*

Name: Lawrence A. Pederson
Title: Administrative Law Judge

[This document has been modified to conform to the technical standards for publication.]

¹⁶ Ex. L, p. 14.

¹⁷ This decision does not set what amount of PCA services Mr. B needs. If Mr. B disagrees with the amount of PCA services provided by the Agency, he may request a new hearing.