

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Dismissed	<b>Appeal Number:</b>	2154957
<b>Decision Date:</b>	11/24/2021	<b>Hearing Date:</b>	August 20, 2021
<b>Hearing Officer:</b>	Brook Padgett	<b>Record Open to:</b>	October 29, 2021

**Appellant Representative:**

Pro se

**CCA/MassHealth Representative:**

Cassandra Horne



*Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Office of Medicaid  
Board of Hearings  
100 Hancock Street, 6<sup>th</sup> floor  
Quincy, MA 02171*

# APPEAL DECISION

<b>Appeal Decision:</b>	Dismissed	<b>Issue:</b>	130 CMR 610.051
<b>Decision Date:</b>	11/24/2021	<b>Hearing Date:</b>	August 20, 2021
<b>CCA/MassHealth Rep.:</b>	C. Horne	<b>Appellant Rep.:</b>	Pro se
<b>Hearing Location:</b>	Quincy		

## Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder.

## Jurisdiction

The appellant received a notice dated June 18, 2021 denying prior authorization (PA) for progressive lenses. (Exhibit 1).

The appellant filed this appeal timely on June 29, 2021. (130 CMR 610.015(B); Exhibit 2).

Denial of assistance is valid grounds for appeal. (130 CMR 610.032).

## Action Taken by CCA/MassHealth

CCA/MassHealth denied the appellant's PA request for progressive lenses.

## Issue

Is the appellant eligible for replacement progressive lenses?

## Summary of Evidence

The CCA representative testified and submitted into evidence a PA request for progressive lenses. The representative stated the CCA does not authorize progressive lenses to OneCare Members as it is not part of eyecare benefits package. (Chapter 4, page 91 of the OneCare Handbook). The representative maintained MassHealth also does not allow for the payment of progressive lenses under its regulations. (130 CMR 420.421(A)(8)). The representative stated the appellant is eligible for two pair of glasses, one for near sightedness and one for far sightedness.

The appellant testified she has been approved for progressive lenses in the past and this is the first year it has been denied. The appellant stated she gets dizzy, nauseous due to vertigo and the progressive lenses are a medical necessity.

CCA responded that this is the second request of progressive lenses (first request and denial was May 21, 2021); however, they would review the request if the appellant could provide a letter of medical necessity from her physician.

The appellant stated she had already provided such a letter but would be willing to do so again.

The appellant requested the record remain open until September 20, 2021, to submit a letter of medical necessity. (Exhibit 4). At the appellant's request the record open period was extended to October 18, 2021 and October 29, 2021 for CCA to respond.

The appellant submitted within the required time limits a letter of Medical Necessity from her ophthalmologist stating "This letter is to inform you that it is medically necessary for [the appellant] to have progressive, with no lines and transition glasses. She cannot wear bifocal lense with lines due to it causing severe dizziness and vertigo. The patient requires transition lenses due to her severe sensitivity to light and the need to wear her glasses at all times. The patient is unable to have two seperate [sp] pairs of glasses for distance and reading due to situations such as driving, especially at night. The patient needs to be able to see distances and reading for the roads and signs at the same time which is why a progressive lense is necessary." (Exhibit 5).

CCA responded that after review of the additional medical information the decision was reversed, and the appellant's request was approved. (Exhibit 6).

The Fair Hearing regulation concerning Adjustment Procedures and Mediation is set forth at 130 CMR 610.051. 130 CMR 610.051(B) states, in relevant part, as follows:

MassHealth may make an adjustment in the matters at issue before or during a hearing. If the parties agree that the adjustment resolves one or more of the issues in dispute, the hearing officer, by written order, will dismiss the appeal as to all resolved issues, noting as the reason for such dismissal that the parties have reached agreement.

CCA reversed its initial denial and approved the appellant's request for the requested vision services. The CCA adjustment resolves all of the disputed issues in this case. The parties have reached agreement pursuant to 130 CMR 610.051(B), therefore this appeal is dismissed.

## **Notification of Your Right to Appeal to Court**

If you disagree with this decision, you have the right to appeal to Court in accordance with Chapter 30A of the Massachusetts General Laws. To appeal, you must file a complaint with the Superior Court for the county where you reside, or Suffolk County Superior Court, within 30 days of your receipt of this decision.

## **Implementation of this Decision**

If this decision is not implemented within 30 days after the date of this decision, you should contact your MassHealth Enrollment Center. If you experience problems with the implementation of this decision, you should report this in writing to the Director of the Board of Hearings, MassHealth of Medical Assistance, at the address on the first page of this decision.

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Brook Padgett  
Hearing Officer  
Board of Hearings

cc: CCA/MassHealth representatives: Cassandra Horne, CCA/PA Unit