

# Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2155768
<b>Decision Date:</b>	10/26/2021	<b>Hearing Date:</b>	10/19/2021
<b>Hearing Officer:</b>	Scott Bernard		

**Appearance for Appellant:**  
*Pro se via telephone*

**Appearance for MassHealth:**  
Robert Morris *via* telephone



*The Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Office of Medicaid  
Board of Hearings  
100 Hancock Street, Quincy, Massachusetts 02171*

# APPEAL DECISION

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	Transportation
<b>Decision Date:</b>	10/26/2021	<b>Hearing Date:</b>	10/19/2021
<b>MassHealth's Rep.:</b>	Robert Morris	<b>Appellant's Rep.:</b>	<i>Pro se</i>
<b>Hearing Location:</b>	Quincy Harbor South Tower		

## Authority

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

## Jurisdiction

Through a notice dated July 9, 2021, MassHealth denied the appellant's request for transportation (PT-1) because MassHealth determined that the “[m]edical provider does not participate with Medicaid.” (See 130 CMR 407.411 and Exhibit 1). The appellant filed this appeal in a timely manner on July 28, 2021. (See 130 CMR 610.015(B) and Ex. 2). Denial of assistance is valid grounds for appeal. (See 130 CMR 610.032).

The Board of Hearings initially scheduled this fair hearing for September 17, 2021. (Ex. 3). On September 15, 2021, the appellant contacted the Board and requested that the fair hearing be rescheduled for what was determined to be good cause. (See Ex. 4 and 130 CMR 610.048). The Board of Hearings rescheduled the fair hearing to the present date.

## Action Taken by MassHealth

MassHealth denied the appellant's PT-1.

## Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 407.000, in determining that the PT-1 should be denied.

## Summary of Evidence

The appellant is a recipient of MassHealth Standard who is under the age of 65. (Ex. 6). The appellant submitted a letter from Dr. Luis Ticona that was dated July 6, 2021. (Ex. 1). The letter stated the following:

[The appellant] is my patient under my care. I am intimately familiar with her history and with the functional limitations imposed by her diagnoses.

Due to this emotional disability, [the appellant] has certain limitations coping with what would otherwise be considered normal, but significant day-to-day situations. To help alleviate these challenges and to enhance her day-to-day functionality, I have prescribed [the appellant] to obtain a Psychiatric Service Dog. The presence of this animal is necessary for the emotional health of [the appellant] because its presence will mitigate the symptoms she is currently experiencing.

Please alert the patient when people(s) will be under premises while she trains the service dog given this is a trigger for her anxiety. (Id.).

The MassHealth representative testified that the appellant's medical provider submitted a PT-1 to MassHealth requesting transportation be provided from the appellant's home to the Second Chance Adoption Center in [REDACTED] and back. MassHealth denied the PT-1 because that destination is not a MassHealth provider. (Ex. 1).

The appellant stated that she needs a service animal for her mental health condition. The appellant stated her doctor had prescribed this as a therapy for her. The appellant said that she feels scared and in peril all the time and that having a service dog would alleviate this. The appellant stated that the only thing holding her back from obtaining the dog is the fact that she has no transportation to the shelter to get the dog. The appellant stated that she has arranged for a trainer to train the dog as a service animal. The appellant does not have the income to pay for the transportation.

The MassHealth representative testified that MassHealth did not have issue with the medical necessity of the use of the service animal. Rather, the shelter where the appellant would obtain the dog was not a MassHealth provider and MassHealth was not contracted with them and could not pay them. The MassHealth representative stated that this meant that transportation could not be provided to that location. The appellant requested that this decision be reconsidered.

## Findings of Fact

Based on a preponderance of the evidence, I find the following:

1. The appellant is a recipient of MassHealth Standard who is under the age of 65. (Ex. 6).
2. The appellant's provider submitted a request for transportation form to MassHealth on the appellant's behalf. (Testimony of the MassHealth representative).

3. The appellant's provider requested that the appellant be provided transportation to the Second Chance Adoption Center in [REDACTED] (Ex. 1; Testimony of the MassHealth representative).
4. The Second Chance Adoption Center is not a MassHealth provider. (Testimony of the MassHealth representative).
5. MassHealth denied the request for transportation. (Ex. 1).

## Analysis and Conclusions of Law

130 CMR 407.411(A) states “[MassHealth] pays for transportation services that meet the requirements of 130 CMR 407.000 only when such services are covered under the member’s MassHealth coverage type and only when members are traveling to obtain medical services covered under the member’s coverage type.” 130 CMR 450.203(A) states “Federal and state laws require that participation in MassHealth be limited to providers who agree to accept, as payment in full, the amounts paid in accordance with the applicable fees and rates or amounts established under a provider contract or regulations applicable to MassHealth payment.” This is reflected in the provider request for transportation form (PT-1), which is required to contain “adequate information to determine the need for the transportation requested and that the member will receive a medically necessary service covered by MassHealth **at the trip’s destination**” (Emphasis added). (130 CMR 407.421(C)).

The appellant (through her provider) has requested transportation to a location that is not a MassHealth provider. An animal shelter does not fall within the definition of a provider who would receive amounts paid in accordance with the applicable fees and rates or amounts established under a provider contract or regulations applicable to MassHealth payment. The regulations therefore require MassHealth deny this request for transportation.

For the above stated reasons, the appeal is DENIED.

## Order for MassHealth

None.

## 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.

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Scott Bernard  
Hearing Officer  
Board of Hearings

cc:

Robert Morris, MAXIMUS, 55 Summer St., 8th Fl., Boston, MA 02110