

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2176588
Decision Date:	12/01/2021	Hearing Date:	October 07, 2021
Hearing Officer:	Brook Padgett		

Appellant Representative:

Pro se

Witnesses:



CCA Representatives:

Cassandra Horne
Appeals and Grievance Supervisor
Commonwealth Care Alliance (CCA)
Christine Henderson, RN
Appeals Reviewer CCA



*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

Appeal Decision:	Denied	Issue:	Prior Authorization – Heavy Chore Services
Decision Date:	12/01/2021	Hearing Date:	October 07, 2021
CCA Rep.:	C. Horne C. Henderson, RN	Appellant Rep.:	Pro se
Hearing Location:	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 of Adverse Action from Commonwealth Care Alliance¹ dated April 30, 2021, stating your prior authorization request for Heavy Chore Services has been denied. (Exhibit 1). The Appellant filed this appeal timely on August 30, 2021. (130 CMR 610.015(B); Exhibit 2).² Denial of a request for prior authorization is valid grounds for appeal. (130 CMR 610.032).

Action Taken by CCA

CCA denied the Appellant's prior authorization request for Heavy Chore Services.

Issue

Is CCA correct in denying the Appellant's prior authorization request?

Summary of Evidence

¹ Commonwealth Care Alliance is a MassHealth managed care contractor as defined by regulations at 130 CMR 610.004 and described in regulations at 130 CMR 508.000.

² The timeline to appeal has been extended outside the 30-day time limit due to COVID 19.

CCA was represented by the Appeals and Grievance Supervisor and a nurse Appeals Reviewer who testified that the Appellant is 52 years old and a member of the Care One Program. The Appellant has a diagnosis of Major Depressive Disorder (MDD) and Post Traumatic Stress Disorder (PTSD) and on February 01, 2021, requested 4 hours of heavy chore time for painting of her apartment room to improve her depression. The Appellant lives alone and has no formal supports. CCA argued that to receive heavy chore assistance, the authorizing clinician must determine that the condition of the home poses a significant risk to health or safety of the member, and that the guidelines for limitations and exclusions have been met. CCA further stated heavy chore time is used when there is no other service that can perform the function and typically involves cleaning up or removing items from a home or room (such as from hoarding) or if there was an infestation of bugs or rodents, or yard debris that causes a significant risk to the member's health and/or safety. The Appellant's request was denied as there is no evidence the color of her apartment poses a significant risk to her health or safety or that the chore (painting of the room) could be accomplished in 4 hours. CCA submitted into evidence the Provider Manual and the Appellant's case record. (Exhibit 4).

The Appellant testified she is currently living in HUD Affordable Housing and the walls are dark brown with little to no sunlight. The Appellant indicated she has no one to paint the room and is unsure if she can get permission from the landlord. The director of nursing, from the Edinburg Center testified that the Appellant is being overrun by paperwork which is causing her additional stress. The Appellant's mental health counselor stated that there has been noticeable decomposition since this issue began in April. The Appellant also testified to a number of issues such as the lack of communication with CCA and past actions that were outside the jurisdiction of the current appeal.

At the Appellant's request the record remain open until November 08, 2021, to submit evidence demonstrating that her request for 4 hours of heavy chore services to paint her room meets the medical necessity criteria. (Exhibit 6).

On November 05, 2021, the Appellant submitted her response which argued that she wished to have her heavy chore request of room painting combined with her previous request for float therapy. The Appellant maintains her quality of life has suffered due to "red tape insurance bureaucracy" and that these appeals would be unnecessary if her care partner had done her job. The Appellant explains in detail the lack of communication and lack of support she has received from her previous care partner (September 14, 2020 to May 07, 2021). The Appellant argues the lack of communication and support has led to a loss of services and a deterioration of her physical and mental health. The Appellant states that she believes "the changing of the color of her room to something less dark would drastically affect [her] mental health," even though she has "been unable to get any behavioral health providers to write supportive letters of medical necessity." The submission details the Appellant's interactions with CCA since 2017 and her disappointment with her CCA care coordination, her care team, and her care partner along with a number of other medical personnel. The Appellant is frustrated with her inability to obtain letters of medical necessity to acquire the care she needs, in addition to the fact that her prior authorization for float

therapy has expired. The Appellant submitted into evidence memorandum and documentation in support, including a number of emails and a letter from a LICSW at the Edinberg Center dated November 05, 2021 attests the “door to [the Appellant's] apartment bedroom is chocolate brown and the wall are light brown,” and given the Appellant's “history and need for light [she] is recommending CCA authorize the request to repaint the apartment.” (Exhibit 5). On November 10, 2021, the Appellant submitted her request for float therapy, including a legal memorandum dated August 16, 2019. (Exhibit 6).

CCA responded that their determination regarding the Appellant's request for heavy chore time remained unchanged after review of the additional documentation. (Exhibit 7).

Findings of Fact

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

1. The Appellant is 52 years old and lives alone. (Exhibit 4).
2. The Appellant's primary diagnosis is MDD and PTSD. (Exhibit 4).
3. On February 01, 2021, the Appellant requested 4 hours of heavy chore time for painting of her apartment. (Exhibit 4).
4. On February 02, 2021, the request was denied as chore services is a one-time service used to fix or prevent issues that pose a risk to health and safety. (Testimony).

Analysis and Conclusions of Law

The Appellant has requested 4 hours of heavy chore time for painting of her apartment room. The Appellant maintains the changing of the color of her room to something less dark would drastically affect her mental health arguing that it is medical necessity. In addition, the Appellant requests a previous prior authorization concerning float therapy be combined with the current appeal.

This decision will only address the Appellant's request for heavy chore time detailed on the CCA notice dated April 30, 2021. All other issues such as float therapy or the lack of communication with CCA are not either out of the hearing officer's jurisdiction or beyond the limits for a timely appeal.³

Regarding the request for heavy chore time to paint the Appellant's apartment, to obtain CCA approval for heavy chore services the Member Handbook requires the services include activities that assist members to maintain their homes and/or to correct or prevent environmental defects that may be hazardous to a member's health and safety.⁴ Although the Appellant credibly

³ In her memorandum the appellant indicated her float therapy was approved in 2019.

⁴ MEMBER HANDBOOK Chore Services PAGE 96 OF 236

testified that she believes she would benefit from a change in the color of her apartment she has been unable to obtain sufficient medical evidence to substantiate her claim or to demonstrate the current color of her apartment poses a significant risk to her health and/or safety. Further it is unclear that the Appellant has permission to change the color of the room, that the task can be performed in the 4 hours requested or that there is no other organization or service which can perform the task. Without providing information as required in the Appellant's member's handbook, CCA is within its discretion to deny the Appellant's request.

While MassHealth does not provide PCA heavy chore services, MassHealth does require all requested services to be medically necessary for prior authorization to be approved and will not pay a provider for services that are not medically necessary and may impose sanctions on a provider for providing or prescribing a service or for admitting a member to an inpatient facility where such service or admission is not determined to be medically necessary.

- (A) A service is “medically necessary” if:
- (1) it is reasonably calculated to prevent, diagnose, prevent worsening of, alleviate, correct, or cure conditions in the member that endanger life, cause suffering or pain, cause physical deformity or malfunction, threaten to cause or to aggravate a handicap, or result in illness or infirmity; and
 - (2) there is no other medical service or site of service, comparable in effect, available, and suitable for the member requesting the service, that is more conservative or less costly to the MassHealth. Services that are less costly to the MassHealth include, but are not limited to, health care reasonably known by the provider or identified by the MassHealth pursuant to a prior authorization request, to be available to the member through sources described in 130 CMR 450.317(C), 503.007, or 517.007. See 130 CMR 450.204

The Appellant has failed to provide sufficient evidence to verify her request for CCA Heavy Chore Service time to paint her apartment is medically necessary and that there is no other organization or service which can perform the task. Without providing such information the request is denied.

Order for CCA

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.

Brook Padgett
Hearing Officer
Board of Hearings

cc: SCO Representative: Commonwealth Care Alliance