

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2177260
Decision Date:	11/15/2021	Hearing Date:	October 29, 2021
Hearing Officer:	Brook Padgett		

Appearance for Appellant:



Appearance for MassHealth:

Krista Berube, RN



*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:	Dismissed	Issue:	130 CMR 610.051
Decision Date:	11/15/2021	Hearing Date:	October 29, 2021
MassHealth's Rep.:	Krista Berube, RN	Appellant's Rep.:	[REDACTED]
Hearing Location:	Quincy	Aid Pending:	No

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 September 08, 2021, stating MassHealth had denied the appellant's prior authorization request for Level 1 adult foster care. (Exhibit 1).

The appellant filed this appeal in a timely manner on September 28, 2021. (130 CMR 610.015(B) and Exhibit 2).

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

Action Taken by MassHealth

MassHealth denied the appellant's request for Level 1 adult foster care.

Issue

Did MassHealth correctly determine the appellant did not meet the medical necessity requirements necessary for participation in adult foster care.

Summary of Evidence

MassHealth appeared via telephone and testified as follows: the appellant is a 53-year-old male with a primary diagnosis of hypothyroidism, cervicalgia¹, and a secondary diagnosis of left foot pain and obesity. On August 19, 2021, MassHealth received the request for Level 1 adult foster care services for the dates of service of August 26, 2021 through August 25, 2022. On September 08, 2021, MassHealth denied the request because it could not determine medical necessity based on the documents submitted. The request indicated that the appellant required supervision and cueing for the activities of daily living (ADLs) of bathing, dressing, toileting, and transfers. The record submitted did not support that request. MassHealth testified that notes from the appellant's office visit with his physician on May 19, 2021 indicates he appears healthy, has no falls, no balance issues, and no need for assistance with ambulation. The appellant has only slight cognitive issues and is independent with activity of daily living (ADL's) is denied any issues and walks every day for exercise. The physical examination was completely normal, including mobility with full joint motion. She stated that based on the records, the appellant does not meet clinical eligibility criteria pursuant to the MassHealth Guidelines for Medical Necessity Determination for Adult Foster Care and MassHealth regulations 130 CMR 408.416 and 130 CMR 450.204. (Exhibit 4).

The appellant was represented at hearing via telephone by his girlfriend who testified that she has additional medical evidence for review. The information was submitted and forwarded to OPTUM.

On November 10, 2021, MassHealth/OPTUM responded that after review of the appellant's testimony and the medical documentation dated to July 30, 2019 to October 22, 2021, the prior authorization request for Level 1 AFC services was approved for the dates of service August 26, 2021 through August 25, 2022. (Exhibit 5).

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.

MassHealth/OPTUM reversed its initial denial and approved the appellant's request for Adult Foster Care services. The MassHealth/OPTUM adjustment resolves all of the disputed issued in this case. The parties have reached agreement pursuant to 130 CMR 610.051(B), therefore this appeal is dismissed.

¹ A term used to describe pain or significant discomfort in the neck, especially at the back and/or sides.

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.

Brook Padgett
Hearing Officer
Board of Hearings

cc: MassHealth Representative: Optum MassHealth LTSS, P.O. Box 159108, Boston, MA 02215