

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision: Denied

Appeal Number: 2177303

Decision Date: 11/23/2021

Hearing Date: 10/25/2021

Hearing Officer: Susan Burgess-Cox

Appearance for Appellant:



Appearance for MassHealth:

Robert Morris



*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
Decision Date:	11/23/2021	Hearing Date:	10/25/2021
MassHealth's Rep.:	Robert Morris	Appellant's Rep.:	
Hearing Location:	All Parties Appeared by Telephone	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

Through a notice dated September 1, 2021, MassHealth denied the appellant's request for medical transportation services. (130 CMR 407.411; Exhibit 1). The appellant filed an appeal in a timely manner on September 21, 2021. (130 CMR 610.015; Exhibit 2). Denial of assistance is valid grounds for appeal.

Action Taken by MassHealth

MassHealth denied the appellant's request for medical transportation services.

Issue

Whether MassHealth was correct in denying the appellant's request for medical transportation services.

Summary of Evidence

Appellant is enrolled in a MassHealth coverage type that provides transportation services. The appellant lives in [REDACTED]. (Testimony; Exhibit 1; Exhibit 4). The appellant's provider submitted a request for transportation to an adult day health program in Wareham, Massachusetts. MassHealth denied this request as the regulations state that transportation of persons who are elderly or disabled to adult day health programs are not covered by MassHealth, except when arranged by special contract with the MassHealth Adult Day Health Program. The MassHealth representative testified that the adult day health program that the appellant attends does not have a special contract with the MassHealth Adult Day Health Program. Therefore, transportation to this program is not covered by MassHealth. The MassHealth representative testified that the reason for this exclusion is that the adult day health program is expected to provide transportation services to members.

The appellant's representative testified that the program that the appellant attends does not provide transportation services to the appellant's area. The program provides transportation services to a limited geographic area. The appellant's location falls outside of that area.

The appellant's representative testified that there are no other comparable adult day health programs in the appellant's locality. The appellant's representative noted that other MassHealth members have been authorized to receive transportation services to this program. The appellant's representative argued that the regulations are too rigid and do not fit everyone's situation. The appellant's representative asked MassHealth to make an exception for the appellant. The appellant's representative testified that if the appellant does not attend this program she will decompensate and be hospitalized. At this time, the appellant's representative drives the appellant to and from the program, but she is not sure how long she can continue to provide this service to the appellant.

A letter from the program director of the adult day health center states that due to current staffing availability, recruiting challenges for drivers and the geographic limitations of current routes, the adult day health center is unable to provide transportation services to the appellant's locality. (Exhibit 4).

Findings of Fact

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

1. The appellant is a MassHealth member whose MassHealth benefits include potential transportation services.
2. The appellant requested transportation services from her residence in [REDACTED] to an adult day health program in Wareham, Massachusetts.
3. MassHealth denied the appellant's request for transportation to the adult day health program.
4. The adult day health program that the appellant attends does not offer transportation services to her locality.
5. The adult day health program that the appellant attends does not have a special contract with the MassHealth Adult Day Health Program.

Analysis and Conclusions of Law

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 407.411(A)). Member's who qualify for MassHealth Standard or CommonHealth may be eligible for transportation services. (130 CMR 450.105).

MassHealth has limitations on transportation services. The following are examples of transportation services that are not covered by MassHealth:

- (1) transportation to child day-care centers and nurseries;
- (2) transportation of persons who are elderly or disabled to adult day health programs, except when arranged by special contract with the MassHealth Adult Day Health Program;
- (3) transportation to schools, summer camps, and recreational programs (for example, swimming classes);

- (4) transportation of family members to visit a hospitalized or institutionalized member;
- (5) transportation to a medical facility or physician's office for the sole purpose of obtaining a medical recommendation for homemaker/chore services;
- (6) transportation to government-agency offices;
- (7) transportation to visit a child in foster-care placement or in group-care placement;
- (8) transportation to a medical service that is within 0.75 miles of the member's home or other MassHealth agency-approved point of origin, when the member is able to ambulate freely with or without an escort;
- (9) transportation to pharmacies to obtain medications; and
- (10) transportation to obtain computerized axial tomography (CAT) scans at a facility other than one that has been issued a Certificate of Need by the Massachusetts Department of Public Health. (130 CMR 407.411(B)).

The transportation services requested by the appellant to an adult day health program are specifically listed as a noncovered service. (130 CMR 407.411(B)(2)).

While the director of the center that the appellant attends stated that they are unable to provide transportation services to the appellant's locality, the regulations do not appear to have an exception to the appellant's request for transportation services unless the center enters into a special contract with the MassHealth Adult Day Health Program.

The decision made by MassHealth regarding coverage for transportation services to this program was correct.

This 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.

Susan Burgess-Cox
Hearing Officer
Board of Hearings

cc:

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

[REDACTED]