

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2179043
Decision Date:	2/10/2022	Hearing Date:	01/07/2022
Hearing Officer:	Casey Groff		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Robert Morris, MassHealth Transportation
Authorization Unit



*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:	Transportation Services
Decision Date:	2/10/2022	Hearing Date:	01/07/2022
MassHealth's Rep.:	Robert Morris	Appellant's Rep.:	<i>Pro se</i>
Hearing Location:	Board of Hearings (Remote)	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 November 18, 2021, MassHealth denied Appellant's request for medical transportation services. See Exhibit 1, p. 2. On December 1, 2021, Appellant filed a timely appeal of the agency's decision with the Board of Hearings (BOH). See 130 CMR 610.015(B); Exhibit 1, p. 1. Denial of a request for medical transportation is a valid basis for appeal. See 130 CMR 610.032.

Action Taken by MassHealth

MassHealth denied Appellant's request for medical transportation because she sought transportation to a provider that did not contract with MassHealth.

Issue

The appeal issue is whether MassHealth properly denied Appellant's request for medical transportation.

Summary of Evidence

A representative from the MassHealth Transportation Authorization Unit appeared at the hearing and testified via telephone as follows: MassHealth received a Provider Request for Transportation (PT-1) on behalf of Appellant seeking authorization for medical transportation to the Center Club Program (CCP) located in Boston, Massachusetts. On November 18, 2021, MassHealth denied the request because it determined that CCP is not a provider that participates with MassHealth. See Exh. 1, p. 2. The MassHealth representative explained that pursuant to program regulations, MassHealth only provides transportation services to bring members to-and-from their MassHealth covered services. Because CCP is not a contracted MassHealth provider - and cannot bill MassHealth for services rendered to Appellant - MassHealth will not cover transportation services to this location.

Appellant appeared at the hearing by telephone and testified as follows: She is over the age of 65 and suffers from severe depression and anxiety. As a result, she desperately needs to be around people and groups. She has been going to CCP and it offers her the community support and day programs she needs to maintain her health and well-being. She used to walk herself to the train, which would take her to CCP; however, this is becoming more difficult as she gets older and her health declines. She takes a medication that makes her wobbly and too tired to walk the required distance. By the time she gets out of the program, it is very dark and not safe for her to walk on her own. She is grieving the loss of her mother and this has worsened her anxiety and depression. She observes other people arriving to the program with rides and does not understand why she is not entitled to transportation as a MassHealth member. Her depression will worsen if she cannot attend this program.

Findings of Fact

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

1. Appellant is over the age of 65 and suffers from depression and anxiety.
2. Appellant attends the community day programs and social supports at Center Club Program which has been beneficial to her health, well-being, and improved her depression and anxiety.
3. Previously, Appellant travelled to CCP by walking and taking the train; however, this has become too difficult due to her declining health and medication side effects.
4. MassHealth received a Provider Request for Transportation (PT-1) on behalf of Appellant seeking authorization for medical transportation to CCP.
5. CCP is not a contracted MassHealth provider.
6. On November 18, 2021, MassHealth denied Appellant's request because CCP was not a provider that participates with MassHealth.

Analysis and Conclusions of Law

This appeal addresses the issue of whether MassHealth erred in denying Appellant's request for transportation services to a provider that does not participate with MassHealth.

Regulations at 130 CMR 407.411 address transportation utilization restrictions as follows:

(A) Covered Services. The MassHealth agency 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 (see 130 CMR 450.105).*

(Emphasis added.)

In this instant case, Appellant requested MassHealth transportation to the Center Club Program – which provides a community day program and group support services. Because the Center Club Program is not a MassHealth provider, any such service it provides to Appellant is not covered (i.e. reimbursable) under her MassHealth coverage type. See id. MassHealth regulations unambiguously prohibit coverage of transportation services unless used for traveling to a MassHealth covered medical service. Despite Appellant's compelling testimony regarding her need for this program, there is no regulatory exception to otherwise permit transportation to a non-MassHealth provider. For these reasons, MassHealth did not err in denying Appellant's request for transportation services to CCP.

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.

Casey Groff
Hearing Officer
Board of Hearings

cc:

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