

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Approved	<b>Appeal Number:</b>	2200177
<b>Decision Date:</b>	3/22/2022	<b>Hearing Date:</b>	February 8, 2022
<b>Hearing Officer:</b>	Stanley Kallianidis		

**Appellant Representative:**

Pro se

**CCA Representative:**

Cassandra Horne-Appeals and Grievances  
Supervisor



*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>	Approved	<b>Issue:</b>	Prior Authorization – Companion Services
<b>Decision Date:</b>	3/22/2022	<b>Hearing Date:</b>	February 8, 2022
<b>CCA Rep.:</b>	Cassandra Horne	<b>Appellant Rep.:</b>	Pro se
<b>Hearing Location:</b>	Taunton		

## 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, Denial of Level 1 Appeal, from Commonwealth Care Alliance (CCA)<sup>1</sup> dated December 29, 2021, denying a prior authorization request for 2 hours weekly of Companion Services (Exhibit 1). The appellant appeal the action in a timely manner on January 10, 2022 (130 CMR 610.015(B); Exhibit 2). Denial of a request for prior authorization is valid grounds for appeal. (130 CMR 610.032).

The appellant was entitled to her current level of 2 hours of Companion Services pending the outcome of this appeal.

## Action Taken by CCA

CCA denied the appellant's prior authorization request for 2 hours weekly of Companion Services.

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<sup>1</sup> 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.

## **Issue**

In accordance with 130 CMR 450.204, 130 CMR 422.410, and 651 CMR 3.02(e), is CCA correct in denying the appellant's prior authorization request?

## **Summary of Evidence**

According to the December 29, 2021 Denial of Level 1 Appeal Notice and the CCA appeal packet, the appellant requested 2 hours of Companion Services from January 1, 2022-June 30, 2022 (Exhibit 1).

The request was denied due to a lack of medical necessity. In order to be eligible for these services, the member must have a physical, cognitive, or behavioral-related disability such that the member requires supervision/support or requires assistance to travel safely to medical appointments. While the member does need help with transportation, she has been approved for 49.75 hours of PCA services weekly, and the PCA can help with this activity. Thus, the request for Companion Services was considered duplicative and not medically necessary. While the member does have stage 4 liver and colon cancer, the member's PCA time may be adjusted as her disease progresses (Exhibit 1).

According to testimony from a representative from CCA, the appellant is currently receiving 2 hours of Companion Services pending the outcome of the appeal. She testified that the appellant's PCA hours have since been increased to 53.75 hours due to her worsening medical condition. However, Companion Services are limited to help with transportation. This is in accordance with 651 CMR 302(e).

The appellant testified she is legally blind and provided documentation with her appeal (Exhibit 2). She testified that the Companion reads to her, helps her with writing and filling out documents, and accompanies her on outings. She explained that the 2 hours of Companion Services provides her with emotional and social support as she lives alone and has no family.

## **Findings of Fact**

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

1. A December 29, 2021 Denial of Level 1 Appeal Notice denied the appellant's request for 2 hours of Companion Services from January 1, 2022-June 30, 2022 (Exhibit 1).

2. The appellant is currently receiving 2 hours of Companion Services pending the outcome of the appeal (testimony).
3. The appellant has stage 4 liver and colon cancer and is legally blind (Exhibits 2 & 3).
4. The appellant needs help with transportation to medical appointments (Exhibit 3 and testimony).
5. The appellant was initially approved for 49.75 hours of PCA services weekly. The appellant's PCA hours have since been increased to 53.75 hours due to her worsening medical condition (Exhibit 3 and testimony).
6. The 2 hours of Companion Services provides the appellant with emotional and social support such as reading as she lives alone and has no family (testimony).

## **Analysis and Conclusions of Law**

CCA is a MassHealth managed care contractor as defined by regulations at 130 CMR 610.004 and described in regulations at 130 CMR 508.000. The appellant is a member of the CCA, who submitted a request for prior authorization from to her provider for Companion Services. This request was denied by CCA on the basis that it was not 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. See 130 CMR 450.204.

Personal care services consist of physical assistance with activities of daily living (ADLs) (130 CMR 422.410(A)).

651 CMR 3.02(e), Home Care Program Services, are those provided to a Consumer, including but not limited to the following: (e) Companion. Non-medical services identified in the Comprehensive Service Plan, such as socialization, meal preparation, laundry, shopping, escort to appointments and light housekeeping tasks that are incidental to the care and supervision of the Consumer.

In this case, a CCA Denial of Level 1 Appeal Notice denied the appellant's request for 2 hours of Companion Services from January 1, 2022-June 30, 2022 due to a lack of medical necessity. She is currently receiving 2 hours of Companion Services pending the outcome of the appeal.

I have found that the appellant has stage 4 liver and colon cancer and is legally blind. She was initially approved for 49.75 hours of PCA services weekly. The appellant's PCA hours have since been increased to 53.75 hours due to her worsening medical condition. According to the appellant, the 2 hours of Companion Services provides her with emotional and social support such as reading and companionship as she lives alone and has no family. It is not being used for medical transportation which the PCA currently provides as CCA has alleged. Hence, it is not duplicative.

In accordance with the regulations, a PCA cannot provide social support, only hands-on care. However, by definition, a Home Companion can indeed be used for "socialization." Therefore, the request is medically necessary for the appellant as there is no available alternative that is more conservative or that is less costly.

The appeal is therefore approved.

## **Order for CCA**

Approve 2 hours of Companion Services as requested.

## Implementation of this Decision

If you experience problems with the implementation of this decision, you should report this in writing to the Director of the Board of Hearings at the address on the first page of this decision.

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Stanley Kallianidis  
Hearing Officer  
Board of Hearings

cc:

Commonwealth Care Alliance  
Attn: Cassandra Horne  
30 Winter Street  
Boston, MA 02108