

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2200622
Decision Date:	3/25/2022	Hearing Date:	03/01/2022
Hearing Officer:	Marc Tonaszuck	Record Open to:	03/11/2022

Appearance for Appellant:



Appearance for MassHealth:

Robin Brown, OTR/L; Optum

Appellant's Witnesses:



*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:	Durable Medical Equipment
Decision Date:	3/25/2022	Hearing Date:	03/01/2022
MassHealth's Rep.:	Robin Brown, OTR/L, Optum	Appellant's Rep.:	██████████
Hearing Location:	Quincy Harbor South		

Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder.

Jurisdiction

The appellant, a minor child, received a MassHealth notice dated 12/20/2021 denying her prior authorization (PA) request for a stair lift, accessories, and installation (130 CMR 409.414(J), 450.204; Exhibit 1). A timely appeal was filed on the appellant's behalf on 01/15/2022 (130 CMR 610.015(B); Exhibit 2). Denial of assistance is valid grounds for appeal (130 CMR 610.032).

The record remained open in this matter until 03/04/2022 for the appellant to submit additional documentation and until 03/11/2022 for MassHealth's response.

Action Taken by MassHealth

MassHealth denied the appellant's PA request for a stair lift, accessories, and installation.

Issue

Is MassHealth correct in denying the appellant's prior authorization request for a stair lift, accessories, and installation?

Summary of Evidence

The MassHealth representative, a licensed occupational therapist, testified that on 12/20/2021, a PA request was submitted on the appellant's behalf for a stair lift, accessories, and installation from National Seating and Mobility. The appellant is [REDACTED] years of age and has a diagnosis of pachygyria, and lissencephaly, a congenital brain disorder associated with global developmental delays.

The MassHealth representative submitted into evidence the Request for Prior Authorization (PA) and supplement (Exhibit 4). As a matter of history, the representative testified that on 12/20/2021 a PA request was submitted by the appellant's provider for the stair lift, accessories, and installation. On 12/20/2021, MassHealth informed the appellant's parents that the requested stair lift, accessories, and installation were denied because MassHealth determined that they were a non-covered service. Moreover, the MassHealth representative testified that MassHealth has approved "many items for the appellant in the past," including a Hoyer Lift and PCA time for mobility/transfers. The requested stair lift is a permanently installed item in the home that is operated by the member. Home modifications, such as a stair lift, are equipment not covered by MassHealth.

The appellant's parents testified that they were able to get a subsequent quote for the cost of the item requested. It is lower than the quote provided by National Seating. The appellant is not able to go up and down the stairs of the home independently. The living and bathing take place upstairs from the main floor. It is not safe for the appellant or her PCA's to carry her up and down the stairs due to her weight. The appellant's PCA is her 18-year-old brother. He is not home much of the time. The requested stair lift is necessary to assist the appellant up and down the stairs during the day.

The appellant requested an opportunity to submit additional documentation in support of her request. The request was granted and the record remained open in this matter until 03/04/2022 for the appellant's submission and until 03/11/2022 for MassHealth's response. Both parties made their timely submissions (Exhibits 5, 6 and 7).

Findings of Fact

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

1. The appellant is [REDACTED] years of age and she has a diagnosis of pachygyria, and lissencephaly, a congenital brain disorder associated with global developmental delays (Exhibit 4).
2. On 12/20/2021 a PA request was submitted by the appellant's provider for a stair lift, accessories, and installation (Testimony; Exhibit 4).
3. On 12/20/2021, MassHealth informed the appellant's parents that the request for the

stair lift, accessories, and installation was denied because MassHealth determined that they were not a covered service (Exhibit 4).

4. A timely appeal to the 12/20/2021 denial was submitted to the Board of Hearings on 01/15/2022 (Testimony).
5. The MassHealth consultant is a licensed occupational therapist (Testimony).
6. The stair lift, accessories, and installation are permanent modifications to the home (Testimony).
7. MassHealth has approved a Hoyer Lift and PCA time for mobility/transfers for the appellant.

Analysis and Conclusions of Law

MassHealth regulations at 130 CMR 450.204 address medical necessity as follows:

The MassHealth agency 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 medically necessary.

(A) A service is "medically necessary" if:

(1) it is reasonably calculated to prevent, diagnose, prevent the 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 agency. Services that are less costly to the MassHealth agency include, but are not limited to, health care reasonably known by the provider, or identified by the MassHealth agency 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.

(B) Medically necessary services must be of a quality that meets professionally recognized standards of health care, and must be substantiated by records including evidence of such medical necessity and quality. A provider must make those records, including medical records, available to the MassHealth agency upon request. (See 42 U.S.C. 1396a(a)(30) and 42 CFR 440.230 and 440.260.)

130 CMR 409.414 addressing “Noncovered Services” states in relevant part:

The MassHealth agency does not pay for the following:

(J) **home or vehicle modifications including**, but not limited to, ramps, elevators, **or stair lifts**;

(Emphasis added.)

The appellant has the burden "to demonstrate the invalidity of the administrative determination." See Andrews vs. Division of Medical Assistance, 68 Mass. App. Ct. 228. Moreover, the burden is on the appealing party to demonstrate the invalidity of the administrative determination. See Fisch v. Board of Registration in Med., 437 Mass. 128, 131 (2002); Faith Assembly of God of S. Dennis & Hyannis, Inc. v. State Bldg. Code Commn., 11 Mass. App. Ct. 333, 334 (1981); Haverhill Mun. Hosp. v. Commissioner of the Div. of Med. Assistance, 45 Mass. App. Ct. 386, 390 (1998).

This appeal involves MassHealth’s denial of a request of a stair lift, accessories, and installation submitted to the MassHealth Durable Medical Equipment Department on behalf of the appellant, a minor child. Due to the appellant’s diagnoses, she is unable to independently go up and down the stairs in her home. The main living area is on the first floor and her bedroom and bathroom are on the second floor. MassHealth has approved a Hoyer Lift and PCA time to assist the appellant up and down the stairs; however, the appellant’s parents argue that her weight presents a danger to both the appellant and her PCA when she is assisted up and down the stairs. MassHealth cited the above regulation and defended its denial of the requested stair lift, as it is specifically addressed in the regulations as a “non-covered service.” The appellant’s representatives did not cite to a regulation or to case law that provides an exception to the above regulation. Accordingly, MassHealth’s denial is supported by the regulations and the material facts of this case and this appeal is therefore 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.

Marc Tonaszuck
Hearing Officer
Board of Hearings

cc:

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