

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Dismissed	<b>Appeal Number:</b>	2200664
<b>Decision Date:</b>	6/1/2022	<b>Hearing Date:</b>	April 05, 2022
<b>Hearing Officer:</b>	Brook Padgett	<b>Record Open:</b>	April 30, 2022

**Appellant Representative:**  
Pro se

**MassHealth/CCA Representative:**  
Cassandra Horne



*Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Office of Medicaid  
Board of Hearings  
100 Hancock Street, 6<sup>th</sup> floor  
Quincy, MA 02171*

# APPEAL DECISION

<b>Appeal Decision:</b>	Dismissed	<b>Issue:</b>	130 CMR 610.051
<b>Decision Date:</b>	6/1/2022	<b>Hearing Date:</b>	April 05, 2022
<b>MassHealth/CCA Rep.:</b>	C. Home	<b>Appellant Rep.:</b>	Pro se
<b>Hearing Location:</b>	Quincy		

## 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 Commonwealth Care Alliance (CCA) notice dated November 23, 2021, stating: Your request for Person Care (PC) Services for 18 hours per week from November 02, 2021 through April 20, 2022 through Sully Home Care Services will be reduced to 12.5 hours per week on December 09, 2021. (Exhibit 1).

The appellant filed this appeal timely on February 02, 2022. (130 CMR 610.015(B); Exhibit 2).

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

## Action Taken by MassHealth

CCA reduced the appellant's request for 18 hours of PC services to 12.5 hours of PC services.

## Issue

Did CCA correctly determine the appellant's PC hour request?

## Summary of Evidence

MassHealth testified the appellant is member of the Care One program. Based on the medical evidence presented the appellant's request for PC hours was reduced from 18 hours per week to 12.5 hour per week. The appellant requested CCA reinstate his 18 hours of PC services. At the appellant's fair hearing CCA indicated they had performed a new assessment on March 29, 2022 and would like additional time to submit their determination after review.

The hearing record was continued to April 29, 2022. (Exhibit 5).

On April 28, 2022 CCA responded the appellant had been approved for 31 hours per week of PC time. (Exhibit 6).

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/CCA has reversed its denial for 12.5 hours of PC coverage and authorized 31 hours per week of PC care. The CCA adjustment resolves the disputed issued under appeal therefore this appeal is dismissed pursuant to 130 CMR 610.051(B).

## Order for MassHealth/CCA

Authorized 31 hours of PC coverage per week.

## 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.

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Brook Padgett  
Hearing Officer  
Board of Hearings

cc: Commonwealth Care Alliance

