

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2201390
<b>Decision Date:</b>	4/20/2022	<b>Hearing Date:</b>	3/30/2022
<b>Hearing Officer:</b>	Sara E. McGrath		

**Appearances for Appellant:**



**Appearances for MassHealth:**

Robert Morris, Transportation Unit



*Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Office of Medicaid  
Board of Hearings  
100 Hancock Street  
Quincy, MA 02171*

## APPEAL DECISION

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	Transportation Services
<b>Decision Date:</b>	4/20/2022	<b>Hearing Date:</b>	3/30/2022
<b>MassHealth Rep.:</b>	Robert Morris	<b>Appellant Rep.:</b>	Pro se
<b>Hearing Location:</b>	Board of Hearings (Remote)		

### Authority

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

### Jurisdiction

Through notice dated February 3, 2022, MassHealth denied the appellant's PT-1 request for prior authorization of transportation services (Exhibit 3, p. 2). The appellant filed this appeal in a timely manner on February 22, 2022 (130 CMR 610.015(B) and Exhibit 1). Denial of a prescription for medical transportation is a valid ground for appeal (130 CMR 610.032).

### Action Taken by MassHealth

MassHealth denied the appellant's request for transportation services to her adult day health program.

### Issue

The appeal issue is whether MassHealth correctly denied the appellant's request for transportation services to her adult day health program.

## **Summary of Evidence**

A representative from the MassHealth Transportation Unit appeared at the hearing telephonically and testified as follows: The appellant, who is a MassHealth member, attends an adult day health program. On February 2, 2022, the appellant's provider submitted a PT-1 request for prior authorization of transportation services to Quality of Life Day Care Center for Adults located at 41 Capital Drive, West Springfield, MA 01089. On February 3, 2022, MassHealth denied the request. The MassHealth representative stated that the program provides its own transportation to its participants, and that regulations do not allow MassHealth to cover transportation services to adult day health programs, except when arranged by special contract. He explained that there is no special contract between MassHealth and the adult day health program the appellant attends.

The appellant appeared at hearing by telephone and testified with the assistance of an interpreter. She explained that MassHealth has been paying for her transportation. She was recently told that services will stop unless she provides medical documentation confirming that she cannot walk. She was also told she lives too far from the adult day health program, which she does not understand given that the center is only 10 minutes away.

The MassHealth representative responded and stated that MassHealth has never paid for the appellant's transportation to the adult day health program. He thinks it is likely that the adult day health program has been providing transportation, and he has no information about the program's requirements for transportation coverage. He noted that MassHealth does not require that members submit any specific medical documentation along with the PT-1.

## **Findings of Fact**

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

1. The appellant is a MassHealth member who is enrolled in an adult day health program.
2. On February 2, 2022, the appellant's provider submitted a PT-1 request for prior authorization of transportation services to Quality of Life Day Care Center for Adults located at 41 Capital Drive, West Springfield, MA 01089.
3. There is no evidence of a special transportation contract between MassHealth and Quality of Life Day Care Center for Adults.
4. On February 3, 2022, MassHealth denied the request.
5. On February 22, 2022, the appellant filed a timely appeal of MassHealth's denial.

## **Analysis and Conclusions of Law**

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. Under 130 CMR 407.411(B), certain types of transportation services are explicitly identified as "noncovered." This includes "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."

As the appellant is enrolled in an adult day health program, MassHealth transportation services are not covered in the absence of a "special contract" with the adult day health program. There is no evidence of any such contract at the present time. As such, MassHealth correctly denied the request for transportation services.<sup>1</sup> However, the appellant may wish to seek further assistance from the EOHHS Human Service Transportation (HST) Office at 100 Hancock Street regarding a special contract exception.<sup>2</sup> For the foregoing reasons, 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.

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Sara E. McGrath  
Hearing Officer  
Board of Hearings

cc: Robert Morris  
MAXIMUS  
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Boston, MA 02110

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<sup>1</sup> MassHealth also cited to 130 CMR 404.413(B)(2), which states that adult day health providers must provide transportation either directly or through a subcontractor.

<sup>2</sup> Information about the EOHHS HST Office, including general contact information (address, phone, and email), can be found on the state website at <https://www.mass.gov/orgs/human-service-transportation-office>.

