

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision: Denied

Appeal Number: 2202473

Decision Date: 6/16/2022

Hearing Date: 05/20/2022

Hearing Officer: Radha Tilva

Appearance for Appellant:

Pro se

 PCA

Appearance for MassHealth:

Cheryl Eastman, RN, Optum Rep.



*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:	Prior Authorization - PCA
Decision Date:	6/16/2022	Hearing Date:	05/20/2022
MassHealth's Rep.:	Cheryl Eastman	Appellant's Rep.:	PCA and Pro se
Hearing Location:	Quincy Harbor South	Aid Pending:	Yes

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 March 21, 2022, MassHealth modified the appellant's prior authorization request for personal care attendant services (Exhibit 1). The appellant filed this appeal in a timely manner on April 1, 2022 (see 130 CMR 610.015(B) and Exhibit 2). Challenging a modification of assistance is valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth modified appellant's prior authorization request for personal care attendant (PCA) services.

Issue

The appeal issue is whether MassHealth was correct in modifying appellant's prior authorization request for personal care attendant services.

Summary of Evidence

Appellant was represented by her PCA who appeared by telephone. MassHealth was represented by an R.N. who testified to the following: appellant is a female in her early sixties with a primary

diagnosis of spastic quadriplegia with a relevant history of GERD, blindness in the left eye, chronic fatigue, and a history of falls. Currently she is in aid pending and receiving 16 day/evening hours per week and 0 nighttime hours for the prior authorization period of March 27, 2022 to March 26, 2023. On March 15, 2022, the provider Tempus, submitted a reevaluation request for 16 hours and 15 minutes of day/evening hours per week and 0 nighttime hours. On March 21, 2023 MassHealth modified the request to 15 hours and 30 minutes.

The only modification was grooming. Under nail care the PCM agency requested 15 minutes once a week which was modified to 7 minutes once a week. The assessment stated that the PCA clips nails and applies lotion to dry skin (Exhibit 4, p. 13). The MassHealth representative stated that 15 minutes per week is longer than ordinarily required for nail care. The appellant's PCA testified that appellant has cerebral palsy and that she has to perform nail care while appellant is showering which takes 45 minutes.¹ The provider also requested 4 minutes, 2 times a day, 7 days a week for lotion which was modified to 2 minutes, 2 times a day, 7 days a week. The reason for the modification was because the time requested took longer than ordinarily required. The appellant's PCA stated that it takes about 5 to 8 minutes to lotion. Appellant's skin is dry and flakes off and the PCA has to apply over the counter lotions to help keep her skin moist.

Findings of Fact

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

1. On March 15, 2022, the provider Tempus, submitted a reevaluation request for 16 hours and 15 minutes of day/evening hours per week and 0 nighttime hours.
2. Appellant is a female in her early sixties with a primary diagnosis of spastic quadriplegia with a relevant history of GERD, blindness in the left eye, chronic fatigue, and a history of falls.
3. On March 21, 2023 MassHealth modified the request to 15 hours and 30 minutes.
4. Appellant is currently in aid pending for 16 hours per week of day/evening hours and 0 nighttime hours.
5. MassHealth modified the time requested for grooming.
6. Under nail care the PCM agency requested 15 minutes once a week which was modified to 7 minutes once a week.
7. The provider also requested 4 minutes, 2 times a day, 7 days a week for lotion which was modified to 2 minutes, 2 times a day, 7 days a week.

¹ Appellant was approved for 30 minutes, 7 days a week for showering which was what was requested by the provider. Appellant can seek an adjustment if more than 30 minutes is required for showering.

Analysis and Conclusions of Law

PCA services requested must meet medical necessity criteria as defined at 130 CMR 450.204, below:

(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.)

In addition to being medically necessary as defined above, time requested for PCA services must comport with the following guidelines at 130 CMR 422.410(A):

(A) Activities of Daily Living (ADLs). Activities of daily living include the following:

(1) mobility: physically assisting a member who has a mobility impairment that prevents unassisted transferring, walking, or use of prescribed durable medical equipment;

(2) assistance with medications or other health-related needs: physically assisting a member to take medications prescribed by a physician that otherwise would be self-administered;

(3) bathing/grooming: physically assisting a member with basic care such as bathing, personal hygiene, and grooming skills;

(4) dressing or undressing: physically assisting a member to dress or undress;

(5) passive range-of-motion exercises: physically assisting a member to perform range-of-motion exercises;

(6) eating: physically assisting a member to eat. This can include assistance with tube-feeding and special nutritional and dietary needs; and

(7) toileting: physically assisting a member with bowel and bladder needs.

MassHealth made modifications to appellant's prior authorization request for grooming because the time requested for nail care and applying lotion were longer than ordinarily required. MassHealth's modification is justified and the MassHealth representative's testimony is persuasive. Appellant has provided no convincing evidence to support that it takes longer than 7 minutes per week for nail care. Cleaning nails can be done as a part of daily showering tasks while the appellant is having soap applied to them. I agree with the MassHealth's representative that 7 minutes is sufficient to trim and clip appellant's nails. In addition, I also agree that it should not take longer than 4 minutes per day to lotion appellant's body even if she is completely dependent on the task. For these 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.

Implementation of this Decision

If this decision is not implemented within 30 days after the date of this decision, you should contact your MassHealth Enrollment Center. 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.

Radha Tilva
Hearing Officer
Board of Hearings

cc:

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