

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2202857
Decision Date:	7/28/2022	Hearing Date:	05/19/2022
Hearing Officer:	Rebecca Brochstein	Record Closed:	06/10/2022

Appearances for Appellant:
[Redacted], Appellant

Appearances for MassHealth:
Katina Dean, 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

Appeal Decision:	Denied	Issue:	Transportation
Decision Date:	7/28/2022	Hearing Date:	05/19/2022
MassHealth Rep.:	Katina Dean	Appellant's Rep.:	Pro se
Hearing Location:	Board of Hearings (Remote)		

Authority

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

Jurisdiction

On April 6, 2022, MassHealth denied a PT-1 request for transportation services to her adult day health program. On April 15, 2022, the appellant filed an appeal with the Board of Hearings (Exhibit 1). Denial of benefits is a valid basis for appeal (130 CMR 610.032). After hearing, the record was held open for additional evidence.

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. Three PT-1 requests for transportation services were filed on the appellant's behalf, and MassHealth denied each of the requests. 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.

The appellant appeared at the hearing telephonically and testified on her own behalf. She described her health issues and her challenges with ambulation. She stated that she can use a walker for short distances but that she generally gets around with an electric scooter. The appellant testified that her adult day health program does not provide transportation for members who use wheelchairs or electric scooters, which prevents her from accessing the vehicle. She stated that she needs a van with a lift, which the ADH program does not offer.

The appellant submitted two letters in support of her PT-1 requests. The first is from her primary care doctor, who wrote in relevant part as follows:

It is my medical opinion that [appellant] uses a powerscooter due to her multiple health issues. Her disability [sic] are CVA, Osteomyelitis of the foot, diabetic foot ulcer with non weight bearing status for wound healing. As her primary care physician I believe the patient will benefit from PT-1 services [sic] to transport her to Blue Hill Adult Daycare where she will benefit from the services they offer has to offer [sic]. Their services will be beneficial for the patient's mental health and her general health. (Exhibit 5)

The second letter is from a peer advocate at the Boston Center for Independent Living. It states in relevant part as follows:

I have been working with [appellant] for five months on her independent living goals. [Appellant] has a physical disability and she uses a wheelchair for mobility. One of [her] independent living goals is to attend a day program at Blue Hills Adult Day Health Center. [She] has shown great interest in the program. However, [she] is not able to attend the program because the health center's transportation does not have transportation with a wheelchair lift. Without transportation provided through the PT-1 program, [appellant] will not be able to obtain services from Blue Hills Adult Day Health Center. It is our hope that her PT-1 will be approved so she can get the care of her choice and be able to interact in the community. (Exhibit 6)

The record was held open for the appellant to submit additional information from the ADH program (which she thought had been provided prior to hearing). The MassHealth representative subsequently reported that no further information was received.

Findings of Fact

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

1. The appellant is a MassHealth member who is enrolled in an adult day health program.
2. Three PT-1 requests for transportation services to the ADH program were filed on the appellant's behalf.
3. MassHealth denied each of the requests on the basis that the ADH program provides its own transportation to its participants.
4. The appellant filed a timely appeal.
5. There is no evidence the ADH program has a special transportation contract for the appellant with the MassHealth Adult Day Health program.

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 ADH program. There is no evidence of any such contract at the present time. As such, MassHealth correctly denied the request for transportation services.

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.

Rebecca Brochstein
Hearing Officer
Board of Hearings

cc: Katina Dean
MAXIMUS
55 Summer St., 8th Floor
Boston, MA 02110