

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2203221
<b>Decision Date:</b>	6/2/2022	<b>Hearing Date:</b>	06/01/2022
<b>Hearing Officer:</b>	Susan Burgess-Cox		

**Appearance for Appellant:**  
Pro se

**Appearance for MassHealth:**  
Katine Dean



*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

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	Prior Authorization
<b>Decision Date:</b>	6/2/2022	<b>Hearing Date:</b>	06/01/2022
<b>MassHealth's Rep.:</b>	Katina Dean	<b>Appellant's Rep.:</b>	Pro se
<b>Hearing Location:</b>	All Parties Appeared by Telephone		

### Authority

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

### Jurisdiction

MassHealth denied the appellant's request for medical transportation services. (130 CMR 407.411; Exhibit 1). The appellant filed an appeal in a timely manner on April 29, 2022.<sup>1</sup> (130 CMR 610.015; Exhibit 2). Denial of assistance is valid grounds for appeal.

### Action Taken by MassHealth

MassHealth denied the appellant's request for medical transportation services.

### Issue

Whether MassHealth was correct in denying the appellant's request for medical

---

<sup>1</sup> At the time of the hearing, it was noted that the Board of Hearings did not have a copy of the notice on appeal, only a copy of the request for hearing. The MassHealth representative printed out a copy of the notice on the day of the hearing with the hearing date listed as the date of the notice. Neither party disputed the fact that the appellant was issued a notice prior to filing an appeal in April 2022 or contested the presumption that the appeal was timely. The Board of Hearings will presume that the appeal was timely based on testimony and evidence presented at hearing.

transportation services.

## **Summary of Evidence**

All parties appeared by telephone. The appellant is enrolled in a MassHealth coverage type that provides transportation services. The appellant is seeking transportation services to continue receipt of treatment at a facility in Boston.

At the time of the request, the appellant was pregnant. A physician noted in a letter that the appellant would be unable to walk to appointments after delivery. The letter stated that the appellant needs transportation to all medical appointments and asked MassHealth to approve the appellant's PT-1 so she can maintain her and her baby's health. The physician did not note any specific condition or reason for the transportation services.

The MassHealth representative noted that the location of the medical appointments is within 0.75 miles of the appellant's home and MassHealth does not authorize transportation services to locations that close to a member's residence unless the member can demonstrate that the services are medically necessary.

At hearing, the appellant did not dispute the fact that the office where she was seeking transportation to was within 0.75 miles of her home. Instead, the appellant noted that she would have to walk through a dangerous neighborhood to get to her medical appointments and it was not safe for her or her child to walk through this neighborhood. Before the MassHealth representative could fully respond to the appellant's testimony, the appellant thanked the parties present for their time and ended the call.

## **Findings of Fact**

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

1. The appellant is a MassHealth member whose MassHealth benefits include potential transportation services.
2. The appellant was seeking transportation services to continue receipt of treatment at a facility in Boston.
3. At the time of the request, the appellant was pregnant.

4. The appellant's physician felt that the appellant would be unable to walk to appointments after delivery.
5. The location of the medical appointments is within 0.75 miles of the appellant's home.

## **Analysis and Conclusions of Law**

MassHealth 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. (130 CMR 407.411(A)). Members who qualify for MassHealth Standard or CommonHealth may be eligible for transportation services. (130 CMR 450.105). All forms of transportation, except public transportation, require prior authorization from MassHealth. (130 CMR 407.421(A)).

MassHealth has limitations on transportation services. The following are examples of transportation services that are not covered by MassHealth:

- (1) transportation to child day-care centers and nurseries;
- (2) 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;
- (3) transportation to schools, summer camps, and recreational programs (for example, swimming classes);
- (4) transportation of family members to visit a hospitalized or institutionalized member;
- (5) transportation to a medical facility or physician's office for the sole purpose of obtaining a medical recommendation for homemaker/chore services;
- (6) transportation to government-agency offices;
- (7) transportation to visit a child in foster-care placement or in group-care placement;
- (8) transportation to a medical service that is within 0.75 miles of the member's home or other MassHealth agency-approved point of origin, when the member is able to ambulate freely with or without an escort;
- (9) transportation to pharmacies to obtain medications; and
- (10) transportation to obtain computerized axial tomography (CAT) scans at a facility other than one that has been issued a Certificate

of Need by the Massachusetts Department of Public Health. (130 CMR 407.411(B)).

The transportation services requested by the appellant are specifically listed as a noncovered service. The appellant was seeking transportation to a medical service that is within 0.75 miles of her home and she did not present evidence to show that she is not able to ambulate freely with or without an escort. (130 CMR 407.411(B)(8)). The fact that the appellant does not feel safe in her walk to an appointment is not listed as an exception to MassHealth's limitations on transportation services.

The decision made by MassHealth regarding coverage for transportation services to this program was correct.

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.

---

Susan Burgess-Cox  
Hearing Officer  
Board of Hearings

cc:

MassHealth Representative: Katina Dean, MAXIMUS - Transportation, 55 Summer St., 8th Fl., Boston, MA 02110