

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision: Denied


Appeal Number: 2204043

Decision Date: 7/21/2022

Hearing Date: 07/07/2022

Hearing Officer: Sara E. McGrath

Appearances for Appellant:

, Appellant's Mother

Appearances for MassHealth:

Robin Brown, OTR/L



*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:	Prior Authorization (Durable Medical Equipment)
Decision Date:	7/21/2022	Hearing Date:	07/07/2022
MassHealth's Rep.:	Robin Brown, OTR/L	Appellant's Rep.:	Mother
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

Through a notice dated April 29, 2022, MassHealth denied the appellant's request for an accessory for a manual wheelchair (Exhibit 1). The appellant filed this appeal in a timely manner on May 26, 2022 (130 CMR 610.015(B); Exhibit 2). Denial of a request for durable medical equipment is a valid basis for appeal (130 CMR 610.032). At the conclusion of the hearing, the record was left open until July 14, 2022 for the appellant to submit photographs.

Action Taken by MassHealth

MassHealth denied the appellant's prior approval request for an accessory for a manual wheelchair.

Issue

The appeal issue is whether the appellant has demonstrated the medical necessity of the requested equipment.

Summary of Evidence

MassHealth was represented by a consultant who testified via telephone as follows: The appellant, who is a young child, is a MassHealth member with a diagnosis of spastic quadriplegic cerebral palsy. MassHealth recently approved a replacement manual wheelchair for the appellant, as he had outgrown his current wheelchair. Part of that prior authorization request included an accessory request for double stroller handles for the manual wheelchair. MassHealth denied the request for this accessory. Then, on April 22, 2022, MassHealth received a second prior authorization request for double stroller handles only. On April 28, 2022, MassHealth denied the request because it found no medical necessity. MassHealth referenced the physical therapist's letter, which provides in part as follows:

Though his tone and spasticity are being managed with rounds of Botox/Phenol, as well as an intrathecal Baclofen pump, [appellant] continues to have significant tone. This markedly limits his gross motor activities, independence with ADLs, and ability to stand and ambulate.

Developmentally, [appellant] is able to do a modified army crawl, is min A with bed mobility, able to stand briefly when supported, maximum assist with stairs, and minimum A when stepping with posterior walker to prevent fall.

[Appellant] uses a manual wheelchair as his primary mode of transportation and school/community negotiation. He would benefit from a new wheelchair as he has outgrown his current one. . . .

Item list: . . .

- Backrest double stroller handles. [Appellant] fatigues easily and does not have the strength to propel the wheelchair for more than a few minutes at a time. He is not yet able to do so symmetrically and efficiently. He is unable to propel himself up the ramp to access his home. The handles are also used by his 1-on-1 aide school to assist with negotiating school distances. He is dependent on assist for safety when negotiating the community

(Exhibit 3, pp. 6-8).

The MassHealth consultant testified that the new manual wheelchair comes with standard push handles at no additional charge. The double stroller handles are an optional upgrade and perform the same function as the standard handles. The stroller handles are ergonomic and possibly longer than standard handles, and they are also removable and may be adjustable. She testified that the cost of the stroller handles is \$169.29.¹ The MassHealth consultant cited MassHealth's medical necessity regulation and its durable medical equipment counterpart and stated that MassHealth pays

¹ The MassHealth consultant also noted that the cost of the new wheelchair (without the double stroller handles) is \$5,205.86.

for equipment to meet a member's medical needs, not for optional upgrades for caregiver convenience (130 CMR 450.204; 409.413). The MassHealth consultant also noted that the appellant's new wheelchair has available three different options for stroller handle upgrades (ergo stroller handle, single stroller handle, and double stroller handle), and the appellant chose the costliest option without explaining why it is medically necessary (Exhibit 3, p. 49).

The appellant's mother appeared at the hearing via telephone. She stated that the family has been waiting for the appellant's new wheelchair for over year, and part of the wait can be attributed to MassHealth's denial of the double stroller handles. The appellant is currently using a manual wheelchair that he has outgrown. She stated that his team, which is comprised of many individuals including his outpatient physical therapist, his school physical therapist, his occupational therapist, his physiatrist, his aides, and his physical education teacher, all agree that the requested wheelchair, with all the requested accessories, are needed. She stated that the appellant recently had an accident in his wheelchair, sustaining injuries including a concussion, abrasions, and a broken tooth. She explained that the appellant's wheelchair got caught on something and tipped over. She stated that the appellant's caregiver was unable to stop this from happening, which she attributes to the inadequate standard handles. She stated that had the handles been more substantial, the caregiver would have had more leverage and could have prevented the accident. She noted that the handles are thin and, despite attempts to repair them, are often loose. The double stroller handles will provide leverage and will allow the caregivers to have more control and be able to maneuver the wheelchair more easily. Further, her husband is tall, and adjustable handles would be more comfortable for him.

The appellant's mother explained that her son has complex needs, and she wants to make sure all of his needs are met. This includes keeping his caregivers in mind, as he relies on them for everything. She feels that removable feature of handles is important too, as the family has a lot of equipment (manual wheelchair, power wheelchair, stroller, walker) that needs to fit into the family vehicle. When asked if the family would consider either of the less costly stroller handle options, she stated that the appellant's team had already considered all options and had determined that the double stroller options are necessary and appropriate.

Post-hearing, the appellant's mother submitted photos of the stroller handles (Exhibit 4).

Findings of Fact

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

1. The appellant, who is a young child, is MassHealth member with diagnoses of spastic quadriplegic cerebral palsy.
2. The appellant uses a manual wheelchair as his primary mode of transportation.
3. The appellant can propel the manual wheelchair for short distances but needs caregiver support to travel longer distances.

4. MassHealth recently approved a replacement manual wheelchair for the appellant, as he had outgrown his current wheelchair.
5. As part of the request for the replacement manual wheelchair, the appellant requested several accessories, including double stroller handles; MassHealth denied the request for double stroller handles because it found no medical necessity for this accessory.
6. On April 22, 2022, the appellant submitted a prior authorization request for only the double stroller handles for the replacement manual wheelchair.
7. On April 28, 2022, MassHealth again denied the request because it found no medical necessity for this accessory.
8. On May 26, 2022, the appellant filed a timely appeal of the denial.
9. The replacement manual wheelchair that has recently been approved comes with standard push handles at no extra cost.
10. The replacement manual wheelchair that has recently been approved has three stroller handle options available, including the ergo stroller handle, the single stroller handle, and the double stroller handle; the double stroller handles are the costliest option.

Analysis and Conclusions of Law

By regulation, MassHealth will not pay a provider for services that are not medically necessary. Pursuant to 130 CMR 450.204(A), a service is considered “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 or cause 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: *Potential Sources of Health Care*, or 517.007: *Utilization of Potential Benefits*.

MassHealth covers medically necessary durable medical equipment (DME) that can be appropriately used in the member’s home or setting in which normal life activities take place, and in certain circumstances described in 130 CMR 409.415 for use in facilities. All DME must

be approved for community use by the federal Food and Drug Administration (FDA). DME that is appropriate for use in the member's home may also be used in the community (130 CMR 409.413(A)).

At issue in this case is MassHealth's denial of the appellant's prior authorization request for an accessory item to newly approved manual wheelchair. Specially, MassHealth denied payment for double stroller handles, which are ergonomic, adjustable, and removable and would replace the standard push handles at the back of the wheelchair. The appellant argues that this accessory is needed mostly for safety reasons; MassHealth argues that the appellant has not demonstrated that this accessory is medically justified.

The appellant argues that these stroller handles will provide more leverage and control for the caregiver; the caregiver will be better able to grab onto them in the event the wheelchair starts to tip over. In support of this argument, the appellant's mother described a recent accident where the appellant was injured when his wheelchair tipped over. The appellant's mother claims that had the double stroller handles been attached to this wheelchair, the accident would not have occurred because the caregiver would have been able to grab the handles to right the wheelchair before it completely tipped over. While it is certainly unfortunate that the appellant was involved in an accident, her testimony, without more, does not conclusively establish that the accident would have been avoided if the current wheelchair had double stroller handles.² On this record, the appellant has not demonstrated that the standard push handles create a safety risk for the appellant. The newly approved manual wheelchair comes with standard push handles that will allow his caregivers to assist the appellant with his mobility needs at home, at school, and in the community.

The appellant indicated that removable handles would be helpful because the appellant has a lot of equipment that needs to be transported in the family vehicle. Without more detailed evidence on this issue, including current problems with transporting equipment, anticipated future problems given the specific dimensions of current and new equipment, and/or evidence that removable handles would in fact solve the problem, this argument falls short. The appellant also argues that one of the caregivers (the father) is tall and that adjustable handles would be more comfortable. Again, the appellant did not provide any detailed information regarding his height or any specific issues he encounters due to the height of the handles. However, even assuming that this evidence exists, the appellant did not explain why the other (less costly) stroller handle options would not meet this caregiver's needs. The appellant's mother noted only that all options were considered and rejected. Without more, that appellant has not met his burden here.

For these reasons, MassHealth was justified in finding that this accessory does not meet the regulatory requirements of 130 CMR 450.204.

This appeal is denied.

² Notably, the appellant's current wheelchair (the one involved in the accident) is the old one that he has outgrown; there is no evidence in the record regarding whether the replacement, adult-sized wheelchair comes with the same handles.

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.

Sara E. McGrath
Hearing Officer
Board of Hearings

cc: Optum