

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



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|-------------------------|-----------------|-----------------------|------------|
| Appeal Decision: | Denied | Appeal Number: | 2204600 |
| Decision Date: | 7/28/2022 | Hearing Date: | 07/22/2022 |
| Hearing Officer: | Alexandra Shube | | |

Appearance for Appellant:

Via telephone:



Appearance for MassHealth:

Via telephone:

Katina Dean – Maximus Transportation



*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

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|---------------------------|-------------------------------|--------------------------|----------------|
| Appeal Decision: | Denied | Issue: | Transportation |
| Decision Date: | 7/28/2022 | Hearing Date: | 07/22/2022 |
| MassHealth's Rep.: | Katina Dean | Appellant's Rep.: | |
| Hearing Location: | Quincy Harbor South Remote | Aid Pending: | No |

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 May 27, 2022, MassHealth denied the appellant's request for MassHealth transportation benefits because MassHealth determined that adult day health provides its own transportation (Exhibit 1). The appellant filed this appeal in a timely manner on June 20, 2022 (see 130 CMR 610.015(B) and Exhibit 2). Denial of assistance is valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied the appellant's provider's request for transportation (PT-1).

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 407.411, in denying the appellant's PT-1.

Summary of Evidence

The MassHealth representative appeared at hearing via telephone and testified as following: MassHealth received a PT-1 on behalf of the appellant requesting transportation to her adult day health program. On May 27, 2022, MassHealth denied the appellant's provider's request for transportation because adult day health provides its own transportation.

The appellant was represented at hearing via telephone by a licensed mental health and licensed rehabilitation counselor. She explained that there are almost no services available in the appellant's town. She provided a letter from the adult day health program which explained that the vendor contracted to provide transportation services for its program is unable to do so for the appellant because she is 22.8 miles from its program and outside of its normal catchment area. Both the letter and the appellant's representative explained that this day program is ideal for the appellant because of its linguistic and culturally diverse support and service provisions for Hispanic individuals. The appellant's representative testified that the appellant has been going through a lot of life changes recently and lost many in her support system. This program is very important to her stability. She was hoping there was some way to get transportation approved since the program's own transportation services do not reach the appellant's home. She noted that the appellant is currently in the hospital and she is not sure how long she will be there.

The MassHealth representative explained that transportation to adult day health programs is not a covered service by MassHealth because they are contracted to provide their own transportation. The exception in the regulation is when it is arranged by special contract with the MassHealth Adult Day Health Program, but the appellant's adult day program has no such special contract. As such, there was no way for her to approve the PT-1 request because it was not a covered service.

Findings of Fact

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

1. MassHealth received a PT-1 on behalf of the appellant requesting transportation to her adult day health center (Testimony and Exhibit 4).
2. On May 27, 2022, MassHealth denied the appellant's provider's request for transportation because adult day health provides their own transportation (Testimony and Exhibit 1).
3. On June 20, 2022, the appellant timely appealed the denial notice (Exhibit 2).
4. Transportation to adult day health programs is a noncovered service by MassHealth (Testimony).
5. The appellant's adult day health program does not have a special contract with the MassHealth Adult Day Health Program (Testimony).

Analysis and Conclusions of Law

MassHealth regulation 130 CMR 407.411 addresses noncovered services under transportation utilization requirements. Specifically, 130 CMR 407.411(B) states in relevant part that the following is an example of transportation services that are not covered by MassHealth:

(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...

MassHealth correctly denied the appellant's request for transportation services. The request is for transportation to an adult day health program, which is not a covered service, except when arranged by special contract. There is no such special contract here and, unfortunately, no other applicable exception.

For these reasons, the MassHealth decision was correct, and the 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.

Alexandra Shube
Hearing Officer
Board of Hearings

cc:

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

