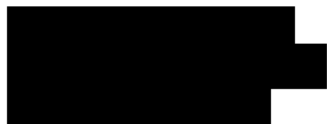


# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2204740
<b>Decision Date:</b>	8/1/2022	<b>Hearing Date:</b>	07/27/2022
<b>Hearing Officer:</b>	Paul C. Moore		

**Appellant Representatives:**

**MassHealth Representative:**


[REDACTED], service coordinator, and [REDACTED]  
[REDACTED], executive director, Blue Hill Adult  
Day Health Center (both by telephone)

Katina Dean, MassHealth Transportation  
Specialist (by telephone)



*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 – Transportation
<b>Decision Date:</b>	8/1/2022	<b>Hearing Date:</b>	07/27/2022
<b>MassHealth Rep.:</b>	Katina Dean	<b>Appellant Reps.:</b>	
<b>Hearing Location:</b>	Board of Hearings (remote)		

## 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 June 15, 2022, MassHealth denied the appellant's prior authorization (PA) request for medical transportation services (130 CMR 407.421; Exhibit 1). The appellant filed this appeal with the Board of Hearings (BOH) on June 23, 2022 (130 CMR 610.015(B); Exhibit 2). Denial of assistance is valid grounds for appeal to BOH (130 CMR 610.032).

## Action Taken by MassHealth

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

## Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 407.411, in denying the appellant's request for medical transportation services.

## Summary of Evidence

The MassHealth representative appeared by telephone and testified that a prescription for transportation ("PT-1") was submitted to MassHealth by Blue Hill Adult Day Health Center on or about June 15, 2022 on the appellant's behalf. The PT-1 requested transportation to and from

the appellant's adult day health program five days a week, for a duration of twelve months. The MassHealth representative testified that the PT-1 was denied on June 15, 2022 because the transportation to and from adult day health programs is a non-covered service under MassHealth regulations; she added that adult day health centers contract with transportation companies to provide their own transportation for program participants (Testimony, Exh. 1).

The adult day health program service coordinator testified by telephone that the appellant, who is over age 65, lives in [REDACTED], and noted that the adult day health center is in [REDACTED]. The program service coordinator noted that the appellant lives outside the service area of the adult day health center, and further, that the appellant has a medical condition that does not allow her to ride in a vehicle for "too long" (Testimony).

The adult day health program executive director testified by telephone that MassHealth approved the appellant's PT-1 Form in the past, and that MassHealth has approved other adult day health program participants for medical transportation to and from the program. The MassHealth representative responded that any such PT-1 Forms should not have been approved by MassHealth, and that this may have been an error. She added that some MassHealth members who are enrolled in Senior Care Organization (SCOs) and Integrated Care Organizations (ICOs) may have been approved for transportation to and from adult day health centers, because SCOs and ICOs may choose to cover such services (Testimony).

The adult day health program executive director provided the MassHealth representative the number of the prior authorization approval he had on file for the appellant's past PT-1 Form. She located that approval number, and opined that the request had been approved in error (Testimony).

The MassHealth representative stated that regulation 130 CMR 407.411(B)(2) states that non-covered services include transportation to and from adult day health centers. There is an exception in this regulation for transportation when arranged by special contract with the MassHealth Adult Day Health Program, but the MassHealth representative stated that this exception does not apply in this instance because there is no transportation contract in place between the adult day health program and MassHealth (Testimony).

The program executive director stated that he cannot send a vehicle solely for the appellant; the transportation company that the program contracts with picks up a number of participants daily in the same vehicle. He stated that he is not sure how the appellant has been getting to and from the program recently. He added that he is not sure what medical condition makes it difficult for the appellant to ride in a vehicle for an extended period, and testified that a letter from the appellant's primary care physician states that she has diagnoses of aortic stenosis, aortic valve insufficiency, osteoporosis, leg edema, arthritis, and femoral artery occlusion (Testimony).

## Findings of Fact

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

1. MassHealth received a prescription for medical transportation (PT-1 Form) on the appellant's behalf on or about June 15, 2022 from the Blue Hill Adult Day Health Center (Exh. 1).
2. The PT-1 Form sought coverage of the appellant's transportation to and from her adult day health program five days a week (Id.).
3. MassHealth denied the PT-1 Form on June 15, 2022 because the transportation to and from adult day health programs is a non-covered service under MassHealth regulations (Id.).
4. The appellant filed a timely appeal of this denial on June 23, 2022 (Exh. 2).
5. Adult day health centers generally contract with transportation companies to provide their own transportation for program participants (Testimony).
6. Transportation to and from adult day health centers is a non-covered service under MassHealth regulations (Testimony).
7. An exception exists for transportation when arranged by special contract with the MassHealth Adult Day Health Program, but that exception does not apply because there is no transportation contract in place between the appellant's adult day health program and MassHealth (Testimony).
8. MassHealth approved a past PT-1 Form for transportation to and from the appellant's adult day health program in error (Testimony).

## Analysis and Conclusions of Law

Transportation benefits require prior authorization for coverage by MassHealth (130 CMR 407.421(A)). The prior authorization form is the prescription for transportation, or PT-1 (130 CMR 407.421(C)(1)). A PT-1 must be completed by an authorized provider, managed-care representative, day habilitation program representative, or early intervention program representative and approved by MassHealth (130 CMR 407.421(C)(2)).

Pursuant to 130 CMR 407.411, "Transportation Utilization Requirements:"

**(B) Noncovered 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.

(Emphasis added)

MassHealth regulations, above, are clear that transportation to and from adult day health programs for elderly and disabled members is a non-covered service. There is an exception set forth in the regulation when a special contract is in place between the adult day health program and MassHealth; however, there is no evidence that such a contract is in place in the instant matter.

Although the appellant's PT-1 Form for transportation to and from the adult day health program was apparently approved in the past, the MassHealth representative credibly testified that this was an error.

There was no error in MassHealth's June 15, 2022 decision to deny the appellant's PT-1 Form for transportation to and from her adult day health program.

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.

---

Paul C. Moore  
Hearing Officer  
Board of Hearings

cc: Katina Dean, Appeal Coordinator, MAXIMUS, 55 Summer Street, 8<sup>th</sup> Floor, Boston, MA 02110

cc: [REDACTED]