

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



**Appeal Decision:** DENIED

**Appeal Number:** 2204842

**Decision Date:** 9/20/2022

**Hearing Date:** 08/05/2022

**Hearing Officer:** Kenneth Brodzinski

**Appearance for Appellant:**



**Appearance for MassHealth:**

Katina Dean – Transportation Unit



*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>	Transportation PT-1
<b>Decision Date:</b>	9/20/2022	<b>Hearing Date:</b>	08/05/2022
<b>MassHealth's Rep.:</b>	Katina Dean	<b>Appellant's Rep.:</b>	Sister
<b>Hearing Location:</b>	Quincy		

## Authority

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

## Jurisdiction

Through notice dated June 13, 2022, MassHealth denied Appellant's PT-1 request for transportation services (Exhibit A). Appellant filed this appeal in a timely manner on June 29, 2022 (see 130 CMR 610.015(B) and Exhibit A). Denial of assistance for MassHealth benefits is valid grounds for appeal (see 130 CMR 610.032).

## Action Taken by MassHealth

MassHealth denied Appellant's PT-1 request for transportation services.

## Issue

The appeal issue is whether MassHealth applied the controlling regulation(s) to accurate facts when it denied Appellant's prescription for transportation services.

## Summary of Evidence

MassHealth was represented by a member of the agency's Transportation Unit who testified that a PT-1 form seeking authorization from MassHealth to provide Appellant with transportation services between his home and his Adult Day Health provider. The request was denied as a non-covered service because Adult Day Health providers are required to provide their own transportation to its program members.

Appellant was represented by his sister who testified that Appellant has a brain injury along with several other significant diagnoses and cannot stay at home alone during the day. The sister testified that the Appellant's Adult Day Health provider claims to be short staffed and can no longer provide Appellant with transportation. The sister submitted a copy of a letter from the Active Day ADH Director dated June 23, 2022 which states that effective April 21, 2022, Active Day would no longer provide Appellant with transportation although Appellant remains eligible for their ADH services (Exhibit A). The sister testified that she is privately paying \$75 to transport Appellant to his program.

The MassHealth representative reiterated that the ADH provider is responsible to provide transportation for Appellant to attend their program. She urged Appellant's sister to call the MassHealth Adult Day Health Program and report the problem.

## Findings of Fact

1. MassHealth denied a PT-1 form seeking authorization from MassHealth to provide Appellant with transportation services between his home and his Adult Day Health provider, Active Day.
2. The request was denied as a non-covered service because Adult Day Health providers are required to provide their own transportation to its program members.
3. Appellant has a brain injury along with several other significant diagnoses and cannot stay at home alone during the day.
4. Appellant's Adult Day Health provider, Active Day, terminated Appellant's transportation effective April 21, 2022, while Appellant remains eligible and is using their ADH services (Exhibit A).

## Analysis and Conclusions of Law

"The burden of proof is on the appealing party to show that the order appealed from is invalid, and we have observed that this burden is heavy" (*Massachusetts Inst. of Tech. v. Department of Pub. Utils.*, 425 Mass. 856, 867, 684 N.E.2d 585 (1997)).

MassHealth regulation 130 CMR 407.411(B)(2) identifies specific transportation services that are not covered by MassHealth including, but not limited to:

*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.*

There has been no claim or assertion that Appellant's ADH program has a special contract with MassHealth to provide transportation. The letter submitted by the Appellant's ADH director indicates they unilaterally decided to terminate transportation services despite Appellant remaining eligible for their services.

On this record, MassHealth has properly applied the controlling regulation to accurate facts when it denied Appellant's PT-1 request for transportation to his ADH program. The responsibility for providing transportation to the ADH program remains with the ADH provider, Active Day.

If Appellant has not yet done so, he should contact the MassHealth Adult Day Health Program to report the problem.

For the foregoing reasons, 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.

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Kenneth Brodzinski  
Hearing Officer  
Board of Hearings

cc:

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

Appellant Representative: [REDACTED]