

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



**Appeal Decision:** APPROVED

**Appeal Number:** 2205852

**Decision Date:** 10/27/2022

**Hearing Date:** 09/08/2022

**Hearing Officer:** Kenneth Brodzinski

**Appearance for Appellant:**

Pro se

**Appearance for MassHealth:**

Mary Jo Elliott, RN

**Interpreter:**

Spanish



*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>	APPROVED	<b>Issue:</b>	Prior Authorization - PCA
<b>Decision Date:</b>	10/27/2022	<b>Hearing Date:</b>	09/08/2022
<b>MassHealth's Rep.:</b>	Mary Jo Elliott, RN	<b>Appellant's Rep.:</b>	Pro se
<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 there under.

## Jurisdiction

Through notice dated August 1, 2022, MassHealth modified a request for prior authorization for Personal Care Attendant (PCA) services by denying some of the requested time for service (Exhibit A). Appellant filed for this appeal in a timely manner on August 5, 2022 seeking approval for the denied time (see 130 CMR 610.015(B) and Exhibit A). Denial of prior authorization for assistance constitutes valid grounds for appeal (see 130 CMR 610.032).

## Action Taken by MassHealth

MassHealth modified a request for prior authorization for PCA services by denying some of the requested time for service.

## Issue

The appeal issue is whether MassHealth properly applied the controlling regulation(s) to accurate facts when it modified Appellant's request for prior authorization for PCA services by denying some of the requested time for service.

## Summary of Evidence

Both parties appeared by telephone. Appellant was assisted by a Spanish interpreter.

MassHealth submitted a copy of Appellant's prior authorization request for PCA services (Exhibit B). Appellant made no filing other than her Request for a Fair Hearing (Exhibit A).

The MassHealth representative testified that Appellant filed a written initial request for PCA services. The written request included a nursing assessment and a functional status report prepared by an occupational therapist (collectively, (Exhibit B)).

After exchanging testimony, MassHealth agreed to restore all-time requested for assistance with meal preparation, housekeeping, laundry and medical transportation. By the conclusion of the hearing, only one modification was left in dispute: time to assist with bathing.

The MassHealth representative testified that Appellant requested 25 minutes, once per day, seven days per week for PCA assistance with bathing. MassHealth modified and approved 20 minutes, once per day, seven days per week for assistance with bathing.

The MassHealth representative explained that according to the occupational therapist report accompanying the request, Appellant requires only moderate assistance with bathing due to restrictions arising from Appellant's limited ability to lift her arms and shoulders which impacts her ability to wash her hair. Appellant also experiences dizziness which impacts her ability to clean her lower body and legs. Appellant would be able, however, to wash her face and midsection while seated on her shower chair.

According to MassHealth, insofar as Appellant requires only moderate assistance and can participate in the activity while seated in a shower chair, 25 minutes was deemed excessive and 20 minutes was approved.

Appellant testified that she has to proceed slowly while bathing due to her dizziness and instability. Appellant testified that her condition has worsened since the review and she was recently placed on a heart monitor after fainting earlier in the week. Appellant explained that the PCA has to wait and take her time so as not to rush and cause Appellant to fall. Appellant acknowledge that she can wash her face and chest on her own, but needs assistance with washing the rest of her body.

## Findings of Fact

Based on a preponderance of the evidence, this record supports the following findings:

1. Appellant filed a written initial request for PCA services.
2. The written request included a nursing assessment and a functional status report prepared by an occupational therapist (collectively, (Exhibit B)).
3. After exchanging testimony, MassHealth agreed to restore all-time requested for assistance with meal preparation, housekeeping, laundry and medical transportation.
4. By the conclusion of the hearing, only one modification was left in dispute: time to assist with bathing.
5. Appellant requested 25 minutes, once per day, seven days per week for PCA assistance with bathing.
6. MassHealth modified and approved 20 minutes, once per day, seven days per week for assistance with bathing.
7. Appellant requires moderate assistance with bathing due to restrictions arising from Appellant's limited ability to lift her arms and shoulders which impacts her ability to wash her hair.
8. Appellant also experiences dizziness which impacts her ability to clean her lower body and legs.
9. Appellant is able to wash her face and midsection while seated on her shower chair.
10. MassHealth's written PCA "Time for Task Tool" indicates that the appropriate amount of PCA time to provide moderate assistance with bathing is 30 minutes.

## **Analysis and Conclusions of Law**

I am taking notice of MassHealth's standard PCA "Time for Task Tool". While sub-regulatory, it is commonly used by MassHealth as an objective tool to assess appropriate amounts of time for assistance to be allowed for specific ADL's and IADL's given a member's level of required assistance.

MassHealth acknowledged that Appellant is a moderate assist for bathing. MassHealth reduced the requested time by 5 minutes upon determining that being only a moderate assist, Appellant could participate in some of the activity. According to the Time For Task Tool, 30 minutes would be appropriate for a person requiring moderate assistance with bathing.

It would be reasonable to conclude that someone below the levels of total dependence and maximum assists (such as a moderate assist) would be performing some of the activity. So, it is unclear, and unsupported, why MassHealth would reduce further from a request that was already below the time set forth in the Time For Task Tool. The Tool allows for 30 minutes. Appellant sought only 25 minutes; MassHealth allowed 20 minutes. MassHealth has not supported a 10 minute reduction from the time deemed appropriate in the Tool.

For the foregoing reasons, the appeal is APPROVED.

## **Order for MassHealth**

Restore time for assistance with bathing to 25 minutes per request.

## Implementation of this Decision

If this decision is not implemented within 30 days after the date of this decision, you should contact your MassHealth Enrollment Center. If the Enrollment Center gives you any problems with implementing this decision, you should report this in writing to the Director of the Board of Hearings at the address on the first page of this decision.

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Kenneth Brodzinski  
Hearing Officer  
Board of Hearings

cc:

MassHealth Representative: Optum MassHealth LTSS, P.O. Box 159108, Boston, MA 02215