

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	DENIED	<b>Appeal Number:</b>	2206151
<b>Decision Date:</b>	10/3/2022	<b>Hearing Date:</b>	09/23/2022
<b>Hearing Officer:</b>	Christopher Taffe		

**Appearance for Appellant:**  
Appellant, pro se (by phone)

**Appearance for MassHealth:**  
Katina Dean, MassHealth Transportation  
Unit (by phone)

**Interpreter:**  
Natalia (Russian-speaking),  
interpreter # 251914 from ITI



*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>	PT-1 – Transportation – Adult Day Health
<b>Decision Date:</b>	10/3/2022	<b>Hearing Date:</b>	09/23/2022
<b>MassHealth's Rep.:</b>	K. Dean	<b>Appellant's Rep.:</b>	Appellant, pro se
<b>Hearing Location:</b>	Springfield MassHealth Enrollment Center (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 August 1, 2022, MassHealth denied Appellant's request for transportation to an Adult Day Health Center in Needham, Mass. because "*Adult day health provides their own transportation*". See Exhibits 1 and 2; 130 CMR 407.000. Appellant filed a timely request for a Fair Hearing on August 17, 2022. See 130 CMR 610.015. Challenging a MassHealth denial of a request for assistance is a valid ground for appeal to the Board of Hearings. See 130 CMR 610.032.

## Action Taken by MassHealth

MassHealth denied Appellant's request for transportation to his adult day health center.

## Issue

Does Appellant's transportation benefit cover this type of request and if not, are there other options available to the Appellant?

## Summary of Evidence

Appellant is a [REDACTED] year old MassHealth member who currently lives in the community setting in [REDACTED], Mass. Appellant appeared at hearing by phone as did the MassHealth Representative; Appellant requested a Russian-speaking interpreter for the hearing and The Board of Hearings provided one for Appellant per 130 CMR 610.017.

At some date on or prior to August 1, 2022, Appellant's provider at Beth Israel submitted a Prescription for Transportation request (PT-1) form to MassHealth seeking yearly approval (in the frequency of 15 days per month) for MassHealth round-trip transportation from Appellant's home to an Adult Day Health (ADH) provider in Needham.

Appellant indicated that he had been receiving transportation to and from the ADH provider for years, and that he had done so “with the help of **MASSHEALTH TRANSPORTATION AUTHORIZATION UNIT (MART COMPANY)**...” See Exhibit 1 (Bolded and CAPITALIZED emphasis in original.) At hearing, Appellant clarified that he had been receiving such rides for approximately 5 years, with some interruption the last few years due to the COVID-19 pandemic.

MassHealth denied this request because per the MassHealth Transportation regulation at 130 CMR 407.411(B), the agency does not approve PT-1 requests which seek transportation to and from an ADH provider because, usually, the Adult Day Health provider is responsible for supplying the transportation to those individuals attending the ADH program. The MassHealth regulation was questioned about the regulation which states an exception to this rule (“*except when arranged by special contract with the MassHealth Adult Day Health Program*”) but the MassHealth Representative responded by stating that Appellant had never had a PT-1 approved in the past by MassHealth (thus implying that some other benefit was the source of prior transportation), and the MassHealth Representative speculated it was possible that Appellant maybe received the transportation directly from some other supplier of benefits, such as OneCare. The MassHealth Representative stated that she had examined Appellant's case and he had no PT-1's approved by the MassHealth Transportation Unit going back to the year 2000.

Appellant testified to his frustration and difficulties due to his age, medical infirmities, and confusion over the situation. When asked if he knew whether he had a OneCare benefit, he stated he did not know; he does have Medicare and MassHealth.<sup>1</sup> Appellant stated that he has asked the ADH provider in Needham, and he was told he lived too far away to be covered directly by their transportation service.<sup>2</sup> He stated that he had a son who is local and who assists him with medical

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<sup>1</sup> For those MassHealth members who have a Medicare benefit that works together with their Medicaid (MassHealth) benefit, they may choose to enroll and get a OneCare benefit (if under 65), or (if over 65, like Appellant), a Senior Care Option (SCO) benefit. Both OneCare and SeniorCare are types of Managed Care options which attempt to provide integrated and coordinated care options, benefits, and services, which may also include, for seniors over the age of 65, certain social support services. The MassHealth likely raised “OneCare” inadvertently at hearing instead of a SCO, not realizing that, due to the Appellant's age, he can't be eligible for a OneCare plan but he could be theoretically eligible for SCO enrollment.

<sup>2</sup> It is assumed that Appellant is seeking to go to the ADH provider in Needham because it likely may be the one ADH provider option, closest to his residence, that offers Russian-speaking or appropriate interpretive services.

documentation and understanding, and it was suggested that when he receives the decision, that he have someone go over the information in the Analysis section below to see if there were any options that may be of help to Appellant.

## **Findings of Fact**

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

1. Appellant is a ■-year old MassHealth member who resides in ■ and who submitted a PT-1 form to MassHealth seeking yearly approval (in the frequency of 15 days per month) for MassHealth round-trip transportation from Appellant's home to an ADH provider in Needham. (Testimony and Exhibit 2)
2. MassHealth denied this request as a noncovered service, and Appellant timely appealed the denial. (Testimony and Exhibits 1 and 2)
3. Appellant has had some sort of transportation service to and from the ADH site in question Needham, during some period of time encompassing portions of the last five years. (Testimony and Exhibit 1)
  - a. Appellant believes it was MassHealth Transportation Unit that covered this past service but the MassHealth Representative testified that it was not through the Transportation unit. (Testimony)
  - b. Appellant has never had a PT-1 approved by the MassHealth Transportation Unit. (MassHealth Testimony)
  - c. It remains unclear who the source of this past transportation was. (Testimony)
  - d. There is no evidence in the record from either side suggesting that this request was made subject to a special contract made by the MassHealth Adult Day Health program for such transportation services. (Testimony)
4. Adult Day Health providers usually provide transportation to the members receiving their services. (Testimony)
5. The ADH provider of choice for Appellant in Needham told Appellant that they cannot provide transportation for Appellant as he is too far out of their locality. (Testimony)
6. Appellant testified that he has a Medicare benefit, but is unsure whether he is enrolled in a Managed Care Option, such as Senior Care Option. (Testimony)

## **Analysis and Conclusions of Law**

While other insurance providers may have limited or non-existent medical transportation services, the MassHealth program is an insurance benefit that offers limited potential transportation services to certain members, like Appellant, who qualify for coverage under either the MassHealth Standard or CommonHealth programs. When eligible members request a transportation benefit directly from the MassHealth Transportation Unit, they must have a provider file the appropriate prescription in the form of a PT-1, and the PT-1 requests must comply with MassHealth rules and restrictions to be approved.

In explaining its decision to not approve this request, MassHealth testified to and relied on the MassHealth Transportation regulation found at 130 CMR 407.411(B)(2), which lists certain non-covered transportation services. The 130 CMR 407.411 regulation reads in relevant part as follows:

407.411: Transportation Utilization Requirements

(A) Covered Services. *The MassHealth agency pays for transportation services that meet the requirements of 130 CMR 407.000 only when such services are covered under the member's MassHealth coverage type and only when members are traveling to obtain medical services covered under the member's coverage type...*

(B) Noncovered Services. *The following are examples 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;***  
(**Bolded** emphasis added.)

In this case the record is clear that Appellant is an elder seeking transportation to an ADH which is not usually covered. The Transportation Unit representative also testified under oath that the unit has no record of providing such service to this member in the past period covering over 20 years. There is no evidence in the record or on the PT-1 form in Exhibit 2 of any current or past “special contract”. The MassHealth decision is thus correct per 130 CMR 407.411(B)(2) and this appeal must be DENIED.

The Appellant is certainly an elder in need of transportation who is understandably upset and doesn’t understand this current decision, especially because he claims he received some transportation assistance in the past. He certainly would appear to be of the age that would benefit from an Adult Day Health program and transportation to it. What is puzzling is he is adamant that he recently received a medical transportation to attend the ADH in Needham, but he did not receive that benefit through a MassHealth PT-1 form, and thus it was apparently not received directly through the MassHealth agency. At this point, there are a few options that perhaps can explain how he got this benefit, and perhaps he and his son can look into it to see if that benefit can be reused or reestablished for this elder in need.

First, Appellant may wish to explore and find out whether he is enrolled in a Senior Care Options

(SCO) plan<sup>3</sup> and, if so, whether that SCO is able to offer him services. There are six SCO's currently available to MassHealth members in the Commonwealth. They are:

1. Boston Medical Center HealthNet Plan Senior Care Options;
2. Commonwealth Care Alliance;
3. NaviCare (HMO);
4. Senior Whole Health by Molina Healthcare
5. Tufts Health Plan Senior Care Options; and
6. UnitedHealthCare

**If any of those SCO names appears familiar to Appellant or if he is enrolled with one of them for services, he is encouraged to contact them** and ask if they helped provide him with transportation in the past. SCO's and other types of Managed Care Options sometimes offer additional benefit services beyond those required and limited by MassHealth. If so, then he may be able to get transportation without utilizing and submitting a PT-1 form to MassHealth.

Based on evidence and testimony, the SCOs mentioned above seems like they may be the most likely alternative source of transportation.

However, if that is a dead end and if (and only if) Appellant is not enrolled in a SCO, he may want to contact OPTUM through either the MassHealth Prior Authorization Unit (1-800-862-8341) or general MassHealth Customer Service (1-800-841-2900). OPTUM is the name of the company/contractor that helps with the administration of long-term support services for MassHealth elders who live in the community who are not enrolled in SCOs. Appellant can contact OPTUM and ask whether the MassHealth Adult Day Health program administered by OPTUM has any knowledge as to whether there was a special contract with the MassHealth Adult Day Health program in the past which allowed Appellant to get transportation. If so, the followup question would be how could Appellant renew that benefit if possible.

Finally, if this is of no help in identifying the past source of transportation, Appellant may want to contact the ADH provider in Needham directly and review this decision with them, and ask them if they know how Appellant received transportation to their Needham location in the past.

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<sup>3</sup> Not all elders over the age of 65 with both Medicare and MassHealth have necessarily enrolled in a SCO, but many do, and it may be worth it for Appellant to see if this was the source of how he got transportation in the past.

## 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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Christopher Taffe  
Hearing Officer  
Board of Hearings

cc: Katina Dean, Transportation Appeals Coordinator @ MAXIMUS