

# Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2208277
<b>Decision Date:</b>	1/27/2023	<b>Hearing Date:</b>	12/08/2022
<b>Hearing Officer:</b>	Scott Bernard		

**Appearance for Appellant:**  
*Pro se via telephone*

**Appearance for MassHealth:**  
Dr. Alan Titelbaum *via* 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 (PA) Vision Care
<b>Decision Date:</b>	1/27/2023	<b>Hearing Date:</b>	12/08/2022
<b>MassHealth's Rep.:</b>	Dr. Alan Titelbaum	<b>Appellant's Rep.:</b>	<i>Pro se</i>
<b>Hearing Location:</b>	Chelsea MassHealth Enrollment Center		

## 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 October 19, 2022, MassHealth denied the appellant's PA request for progressive lenses because MassHealth does not pay for this type of lens. (See 130 CMR 402.435 and Exhibit (Ex.) 1). The appellant filed this appeal in a timely manner on November 7, 2022. (See 130 CMR 610.015(B) and Ex. 2). Denial of assistance is valid grounds for appeal. (See 130 CMR 610.032).

## Action Taken by MassHealth

MassHealth denied the appellant's PA request for progressive lenses.

## Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 402.435, in determining that MassHealth does not pay for progressive lenses.

## Summary of Evidence

The MassHealth representative testified to the following. On October 18, 2022, MassHealth received a PA request asking that MassHealth cover the prescription for progressive lenses. (Ex. 4, pp. 4-5). The MassHealth representative stated that the MassHealth regulations specifically prohibit coverage for invisible bifocal lenses. (See 130 CMR 402.435(A)(6)). For that reason, MassHealth denied the appellant's PA request. The MassHealth representative stated that in lieu of progressive lenses

MassHealth will pay for separate long and short distance glasses without prior authorization. The MassHealth representative also stated that MassHealth prohibits MassHealth members from paying an additional sum to procure glasses that are not covered by MassHealth. The MassHealth representative also noted that the appellant does have Medicare, which means she has EyeMed. The appellant may be able to use that insurance in order to get progressive lenses, though he admitted that he did not know for certain if that was so.

The appellant stated that she understood that the regulations did not permit payment for progressive lenses. She stated, however, that she uses both a walker and cane in order to move around. She could not see herself switching from distance to reading glasses in order to determine whether she could navigate in a particular area. The appellant stated that she has problems with her depth perception and is afraid of falling. The appellant stated that since January 2021 she has had four separate falls resulting in her breaking her hip and left knee and fracturing her pelvis. The appellant stated that she was in the hospital the entirety of July for these injuries. The appellant has had the same glasses since 2017 and needs another pair of glasses and, again, she was not sure she could deal with switching between two pairs of glasses. The appellant confirmed that she has EyeMed but they will cover all but \$400 for the glasses. The appellant would still need to pay \$399 for the glasses.

In answer to a question, the MassHealth representative stated that MassHealth does cover line bifocals and round circle in glass bifocals. The round circle bifocals would be a little less obtrusive to the appellant's field of view. The MassHealth representative stated that if the appellant were to get two sets of lenses, the distance lenses would allow the appellant to clearly see obstacles that were four to five feet from her eyes, and this would include stairs. The close-up lenses would really be for seeing objects (such as books) that were no more than 14 to 16 inches from the appellant's eyes. The appellant would therefore be able to safely navigate obstacles without changing glasses. The MassHealth representative recommended that the appellant contact EyeMed direct since the charge for basic progressive lenses generally was substantially less than she was quoted.

The appellant stated that she has not tried round bifocals, but lined bifocals make her dizzy. The MassHealth representative stated that the only snag might be that in order to get round bifocals, the appellant's lenses have to have enough vertical height to accommodate them.

## **Findings of Fact**

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

1. On October 18, 2022, MassHealth received a PA request asking that MassHealth cover a prescription for progressive lenses. (Ex. 4, pp. 4-5).
2. The MassHealth representative stated that the MassHealth regulations specifically prohibit coverage for invisible bifocal lenses. (Testimony of the MassHealth representative).
3. In a notice dated October 19, 2022, MassHealth denied the appellant's PA request. (Ex. 1).
4. The appellant has difficulties with depth perception and has mobility issues. (Testimony of the appellant).

5. The appellant has fallen and severely injured herself four times since January 2021 because she is not able to see and navigate obstacles. (Testimony of the appellant).
6. MassHealth will cover both line and round bifocals. (Testimony of the MassHealth representative).
7. MassHealth will cover separate close and distant lenses. (Testimony of the MassHealth representative).
8. The close lenses would be for seeing objects no more than 14 to 16 inches away from the appellant's eyes and the distance lenses would allow the appellant to clearly see objects four to five feet from the appellant's eyes. (Testimony of the MassHealth representative).

## **Analysis and Conclusions of Law**

For services specified in 130 CMR 402.426 through 402.434, the MassHealth agency requires that the provider of the service obtain prior authorization as a prerequisite to payment. (130 CMR 402.408(A)). MassHealth, however, will not pay for the seven specified services or materials identified in 130 CMR 420.435, which include “invisible bifocals/no line progressive lenses[.]” (130 CMR 402.435(A)(6)).

The record shows that the appellant, through her PCP and her vision care provider, has requested that MassHealth pay for progressive lenses. The regulations state that MassHealth does not pay for invisible bifocals/no line progressive lenses and MassHealth properly denied the appellant's PA request. Although the appellant provided credible and compelling evidence that her mobility and depth perception issues have resulted in injury in her recent past, the regulations, unfortunately are very clear. The MassHealth representative did indicate, however, that the appellant did have several options that MassHealth will pay for, which, while not ideal, would likely address the appellant's concerns.

For the above stated 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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Scott Bernard  
Hearing Officer  
Board of Hearings

cc:

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