

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2208500
Decision Date:	3/29/2023	Hearing Date:	December 22, 2022
Hearing Officer:	Stanley M. Kallianidis	Record Open Date:	February 22, 2023

Appellant Representative:

Pro Se

MassHealth Representative:

Sara Pedone, PT



*Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
Board of Hearings
100 Hancock Street, 6th Floor
Quincy, MA 02171*

APPEAL DECISION

Appeal Decision:	Denied	Issue:	Medical Necessity
Decision Date:	3/29/2023	Hearing Date:	December 22, 2022
MassHealth Rep.:	Sara Pedone, PT		

Authority

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

Jurisdiction

On November 10, 2022, MassHealth denied the appellant's prior authorization request for an Ottobock X3 microprocessor right knee prosthetic because it determined that this was not medically necessary (see 130 CMR 450.204 and Exhibit 1). The appellant filed this appeal in a timely manner (see 130 CMR 610.015 and Exhibit 2). The denial of a prior authorization request is valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied the appellant's prior authorization request for an Ottobock X3 microprocessor right knee prosthetic.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 450.204 and 409.414 in determining that the appellant's request was not medically necessary and/or necessary and reasonable.

Summary of Evidence

The MassHealth representative testified that the appellant is a [REDACTED] year-old male with a history of right leg above-the-knee amputation dating to the Marathon bombing in April 2013. The appellant also sustained multiple injuries to his lower extremities including his left ankle. The appellant underwent physical therapy at Walter Reed Hospital and was fitted with an X 3 microprocessor knee at that time. The appellant was provided with a Quattro C4 microprocessor knee in November 2021 to replace his X3 as it had aged out (Exhibit 3).

On November 10, 2022, the appellant requested an Ottobock X3 microprocessor knee because the Quattro microprocessor knee was not working for him. MassHealth denied the requested X3 microprocessor knee due to a lack of medical necessity based upon the clinical documentation that was submitted along with the prior authorization request. Specifically, “evidence of therapeutic intervention and gait training with the previously approved Quattro C4 microprocessor knee” was not provided. Secondly, the X3 microprocessor knee was denied because the wrong billing code was used for the submission (Exhibit 1).

According to March 31, 2022 physician progress notes that were submitted with the prior authorization request, it was noted that the appellant had the Quattro C4 microprocessor knee for several months and “it is not working well.” He has had several falls, knee buckles and stumbles with the Quattro. His physician stated that he has had an X3 since 2013 and never had any falls. He stated that the Quattro “has proved itself to be insufficient to his needs,” and that, therefore, “it is medically necessary” for the appellant to be provided with an X3 microprocessor knee (Exhibit 3).

According to a March 18, 2022 note from the appellant’s certified prosthetist, the appellant “has fallen repeatedly while using the Quattro.” Also, he stated that the appellant “is suffering using this knee system and losing his mobility as a result.” He characterized the Quattro as “unsafe” for the appellant (Exhibit 3).

The MassHealth representative testified that this was the third time that the request for the X3 microprocessor knee has been denied. The cost of the item is approximately \$75,000.00 whereas MassHealth allows \$21,000.00. She stated that the X3 microprocessor knee is not the standard of care and has never even been requested before. She stated that she could not approve the request for the X3 without additional documentation from the appellant’s certified prosthetist of a failed trial of the Quattro.

The appellant testified that he no longer uses the Quattro microprocessor knee due to his repeated falls and knee buckles particularly on stairs and uneven surfaces. He admitted however, that he had never had any training with the Quattro prosthesis. He testified that he wanted an X3 due to the high quality and loyalty of the product. He stated that the X3 allows his greater freedom and a more active lifestyle. In particular, the X3 gives him the ability to participate in road races and a speaking circuit. Also, he is an active boater and swimmer and the X3 can get wet and even go in the water whereas the Quattro cannot.

The record was left open for two months for the appellant to submit further documentation of the medical necessity of the X3. Evidence of training with the Quattro and the outcomes a trial with a certified prosthetist was what was requested to support the medical necessity of the X3. Nothing was submitted into the evidence during the record-open period, however (Exhibits 4 & 5).

Findings of Fact

Based on a preponderance of the evidence, I find:

1. On November 10, 2022, the appellant requested an Ottobock X3 microprocessor knee (Exhibit 3).
2. On the same date, MassHealth denied the appellant's prior authorization request because it determined that this was not medically necessary, stating that "evidence of therapeutic intervention and gait training with the previously approved Quattro C4 microprocessor knee" was not provided (Exhibit 1).
3. The cost of the item is approximately \$75,000.00 whereas MassHealth allows \$21,000.00 (testimony).
4. The appellant is a [REDACTED] year-old male with a history of right leg above-the-knee amputation dating to the Marathon bombing in April 2013. The appellant also sustained multiple injuries to his lower extremities including his left ankle (Exhibit 3 & testimony).
5. Shortly thereafter, the appellant underwent physical therapy at Walter Reed Hospital and was fitted with an X 3 microprocessor knee (Exhibit 3 & testimony).
6. In November 2021 the appellant was provided with a Quattro C4 microprocessor knee in November 2021 to replace his X3 (Exhibit 3 & testimony).

7. According to March 31, 2022 physician progress notes that were submitted with the prior authorization request for the X3, the appellant's Quattro C4 microprocessor knee was "not working well" due to falls, stumbles, and knee buckles (Exhibit 3).
8. According to a March 18, 2022 note from the appellant's certified prosthetist, the appellant "has fallen repeatedly while using the Quattro." Also, he "is suffering using this knee system and losing his mobility as a result." He characterized the Quattro as "unsafe" for the appellant (Exhibit 3).
9. The appellant has never undergone training with the Quattro prosthesis (testimony).
10. The record was left open for 60 days for the appellant to submit evidence of training and the results of a trial of the Quattro from a certified prosthesis (Exhibits 4 & 5).
11. No documentation that the appellant had undergone training with the Quattro or had failed a trial of the prosthetic under a supervision of a certified prosthetist was submitted during the record open period (Exhibit 5).

Analysis and Conclusions of Law

A service is medically necessary if:

(1) it is reasonably calculated to prevent, diagnose, prevent the worsening of, alleviate, correct, or cure conditions in the recipient that endanger life, cause suffering or pain, cause physical deformity or malfunction, threaten to cause or to aggravate a handicap, or result in illness or infirmity; and

(2) there is no other medical service or site of service, comparable in effect, available and suitable for the member requesting the service, that is more conservative or less costly to MassHealth (130 CMR 450.204(A)).

Pursuant to 130 CMR 450.204(B), medically necessary services must be of a quality that meets professionally recognized standards of health care and must be substantiated by records including evidence of such medical necessity and quality. A provider must make those records available to MassHealth upon request.

Pursuant to 130 CMR 409.414:

The MassHealth agency does not pay for the following:

(A) DME that is experimental in nature;

(B) DME that is determined by the MassHealth agency not to be medically necessary pursuant to 130 CMR 450.204. This includes, but is not limited to items that:

(1) cannot reasonably be expected to make a meaningful contribution to the treatment of a member's illness or injury;

(2) are more costly than medically appropriate and feasible alternative pieces of equipment; or

(3) serve the same purpose as DME already in use by the member with the exception of the devices described in 130 CMR 409.413(D);

In the instant case, the appellant is appealing the November 2023 denial of his Ottobock X3 microprocessor knee due to a lack of medical necessity. In November 2021, the appellant had been approved for and provided with a Quattro C4 microprocessor knee. This was to replace his X3 that he has had since 2013 due to a right leg above-the-knee amputation from the Marathon bombing in April of that year.

The appellant testified that he needs the X3 prosthetic because the Quattro C4 does not work for him. He stated that it causes him to fall and have his knee buckle. This testimony was corroborated by his physician and certified prosthetist. Nonetheless, MassHealth denied payment for a new X3 due to the high cost and that it is not the standard of care. In its denial and testimony, MassHealth indicated that "evidence of therapeutic intervention and gait training with the previously approved Quattro C4 microprocessor knee" was not provided so as to allow for approval of the X3.

At the hearing, the appellant admitted that he has never undergone training with the Quattro prosthesis. The record was left open for 60 days for the appellant to submit evidence of training and the results of a trial of the Quattro from a certified prosthesis so as to allow MassHealth a chance to reconsider its decision. However, no documentation that the appellant had undergone training with the Quattro or had failed a trial of the prosthetic under a supervision of a certified prosthetist was submitted during the record open period.

I conclude that, while there is evidence that the Quattro is not meeting the appellant's needs at this time, it was reasonable for MassHealth to request additional information of the medical necessity of the X3. Specifically, evidence that the appellant received training and underwent a supervised trial of the Quattro and that this trial failed must be provided before the X3 can be determined to be "medically necessary" under 130 CMR 450.204 or "necessary and reasonable" under 130 CMR 409.406(C). Because no such evidence was submitted for this appeal during the record open period, I must uphold the denial.

Notwithstanding the above, at any time, the appellant may submit to MassHealth a new prior authorization request for an X3 with the additional necessary documentation so as to allow for a reconsideration of its medical necessity.

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.

Stanley M. Kallianidis
Hearing Officer
Board of Hearings