

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Approved	Appeal Number:	2209167
Decision Date:	3/13/2023	Hearing Date:	January 19, 2023
Hearing Officer:	Stanley M. Kallianidis		

Appellant Representative:



MassHealth Representative:

Mary Jo Elliot, RN



*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:	Approved	Issue:	Medical Necessity
Decision Date:	3/13/2023	Hearing Date:	January 19, 2023
MassHealth Rep.:	Mary Jo Elliot, RN		

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 modified the appellant's prior authorization request for personal care attendant (PCA) services because it determined that the request was not medically necessary in all areas (see 130 CMR 450.204 and Exhibit 1). The appellant filed this appeal in a timely manner on December 12, 2022 (see 130 CMR 610.015 and Exhibit 2). The denial of assistance is valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth modified the appellant's prior authorization adjustment request for PCA services from 41.75 hours to 35.25 hours per week for 11/19/22-11/18/23.

Issue

Was MassHealth correct, pursuant to 130 CMR 450.204, in determining that the appellant's request was not medically necessary in the areas that her PCA time had been reduced?

Summary of Evidence

The MassHealth representative testified that the appellant, an adult female diagnosed with severe spinal stenosis, requested 41.75 hours of PCA services. MassHealth modified the request to 35.25 hours.

Modified PCA time included requested weekly minutes for bathing, 10 minutes, 2 times per day, seven days per week, modified to 10 minutes, 1 time per day, seven days per week. Following testimony from the appellant and her representative, the MassHealth representative indicated at the hearing that she would restore the requested minutes for bathing. Modified PCA time also included 140 weekly minutes for medication assistance, modified to 56 weekly minutes, and 107 minutes for equipment maintenance modified to 35 weekly minutes. The appellant and her representative agreed to these modified PCA tasks at the hearing (Exhibit 3).

The remaining PCA modification and sole dispute was over the requested time for mobility. 10 minutes, 2 times per day, seven days per week, was modified to 0 minutes. According to the appellant's PCA evaluation, she is able to walk with a cane or by holding on to furniture. She does need physical assistance with stairs, however. The MassHealth representative explained that the PCA time for mobility was denied because the appellant is able to walk without assistance, and there are no stairs inside her apartment.

The appellant and her representative testified that the appellant needs the PCA time for mobility as requested because the appellant is not able to negotiate the stairs outside her apartment without assistance. The appellant testified that she needs to go outside at least twice per day for fresh air and also to go to medical appointments.

The MassHealth representative's response was that this would not change her decision because going outside her unit is considered recreation and that the PCA program does not pay for this. Also, while the appellant testified that she needs to go down the stairs to go to medical appointments, there was no PCA time requested for this activity.

Findings of Fact

Based on a preponderance of the evidence, I find:

1. The appellant, an adult female diagnosed with severe spinal stenosis, requested 41.75 hours of PCA services (Exhibit 3).
2. MassHealth modified the request to 35.25 hours (Exhibit 3).

3. The period in question is 11/19/22-11/18/23 (Exhibit 3).
4. Modified PCA time included requested weekly minutes for bathing, medication assistance, equipment maintenance, and mobility (Exhibit 3).
5. Following testimony from the appellant and her representative, the MassHealth representative indicated at the hearing that she would restore the requested minutes for bathing (testimony).
6. At the hearing, the appellant and her representative agreed to modified PCA times for both medication assistance and equipment maintenance (testimony).
7. According to the appellant's PCA evaluation, she is able to walk with a cane or by holding on to furniture. She does need physical assistance with stairs (Exhibit 3).
8. The appellant has stairs leading outside her apartment (Exhibit 3).
9. The appellant goes outside at least twice per day for fresh air and also to go to medical appointments (testimony).

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.

In the instant case, the appellant, diagnosed with severe spinal stenosis, requested 41.75 hours of PCA services. MassHealth modified the request to 35.25 hours. The period in question is 11/19/22-11/18/23.

Modified PCA time included requested weekly minutes for bathing, medication assistance, equipment maintenance, and mobility. Following testimony from the appellant and her representative, the MassHealth representative indicated at the hearing that she would restore the requested minutes for bathing. On their part, the appellant and her representative agreed to the modified PCA times for both medication assistance and equipment maintenance. The sole remaining issue was over the requested time for mobility: 10 minutes, 2 times per day, seven days per week modified to 0 minutes.

I have further found that while the appellant is able to walk with a cane or by holding on to furniture, she does in fact need physical assistance with stairs. The appellant and her representative testified that the appellant needs the PCA time for mobility as requested because she is not able to negotiate the stairs outside her apartment without assistance. The appellant testified that she goes outside at least twice per day for fresh air and also to go to medical appointments.

I conclude that the appellant's requested time for mobility is primarily medically necessary because she needs to negotiate stairs to exit her apartment to get to her medical appointments. Secondly, I also conclude that the appellant's going outside for fresh air twice per day is reasonable and I would not characterize this as engaging in recreation.

The appeal is therefore approved.

Order for MassHealth

Approve appellant for an additional 140 minutes of PCA time weekly for mobility in addition to the requested time for bathing as agreed to at the hearing for the weeks in question.

Implementation of this Decision

If this decision is not implemented within 30 days after the date of this notice, you should contact your local office. If you experience problems with the implementation of this decision, you should report this in writing to the Director of the Board of Hearings, MassHealth, at the address on the first page of this decision.

Stanley M. Kallianidis
Hearing Officer
Board of Hearings

cc:

[REDACTED]