

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2301514
Decision Date:	4/14/2023	Hearing Date:	03/28/2023
Hearing Officer:	Marc Tonaszuck	Record Open to:	04/11/2023

Appearance for Appellant:



Appearance for MassHealth:

Elizabeth Miner, OT/RL, Optum



*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

Appeal Decision:	Dismissed	Issue:	Durable Medical Equipment – Absorbent Products
Decision Date:	4/14/2023	Hearing Date:	03/28/2023
MassHealth’s Rep.:	Elizabeth Miner, OT/RL, Optum	Appellant’s Rep.:	Husband
Hearing Location:	Quincy Harbor South	Aid Pending:	No

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 02/09/2023, MassHealth informed the appellant that it denied her request for prior authorization (PA) for incontinence liners (130 CMR 409.418(F)(4), 450.204(A)(1); Exhibit 1). The appellant filed this appeal in a timely manner on 02/23/2023 (130 CMR 610.015; Exhibit 2).

A hearing was held in this matter on 03/28/2023. The MassHealth representative, an occupational therapist, testified that a PA request for incontinence liners was submitted to MassHealth. The PA was denied on 02/09/2023 because the product requested is only approved for someone with “light to moderate incontinence.” The documentation showed that the appellant has evidence of “heavier incontinence.” The request was denied on the basis of medical necessity. Subsequent to the denial but prior to the date of the fair hearing, MassHealth approved the request for the incontinence liners.

The appellant’s husband appeared at the fair hearing and testified telephonically that he was not sure whether the requested item adequately addressed the appellant’s needs.¹

¹ The husband stated he was not sure whether he wanted incontinence liners that are the subject of the appeal. He had general complaints about MassHealth; however, when the hearing officer requested that he

The hearing officer asked the appellant if he wished to abandon his request for the incontinence liners. He stated he could not respond. The record remained open for the appellant representative to submit a request to accept the incontinence liners, or to abandon his request.² During the record open period, the appellant agreed that he wanted to accept the incontinence liners.

Whereas the appellant appealed MassHealth's denial of her PA request for incontinence liners, and whereas the incontinence liners were subsequently approved by MassHealth, there remains no issue to be adjudicated and this appeal is DISMISSED for lack of jurisdiction.

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.

Marc Tonaszuck
Hearing Officer
Board of Hearings

cc:

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

direct his testimony to the issue of the denied PA incontinence liners, he objected. He requested that MassHealth assist him with selecting and obtaining appropriate incontinence products. The MassHealth representative informed the appellant representative that the appellant work with her providers to determine which products are effective for the appellant's incontinence. The provider then submits a request to MassHealth. MassHealth considers the request and either approves or denies it. The appellant representative asserted that the Board of Hearings has broad authority to address all of the appellant's health needs. The hearing officer informed the appellant's representative that the scope of the hearing would be limited to the issue of the incontinence liners only, since the request for a fair hearing was timely only to that MassHealth denial.

² The second request for the incontinence liners was from a different provider than the first request. During the record open period, the appellant agreed to accept the incontinence liners from the second provider.