

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2301519
Decision Date:	4/4/2023	Hearing Date:	3/21/2023
Hearing Officer:	Thomas J. Goode		

Appellant Representative:
Mother

MassHealth Representative:
Katina Dean



*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:	Denied	Issue:	Transportation
Decision Date:	4/4/2023	Hearing Date:	3/21/2023
MassHealth Rep.:	Katina Dean	Appellant Rep.:	Mother
Hearing Location:	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 February 27, 2023, MassHealth denied a prior authorization request for transportation services to a gym (130 CMR 407.411 and Exhibit 1). Appellant filed this appeal in a timely manner on February 23, 2023 (130 CMR 610.015(B) and Exhibit 2).¹ Denial of assistance is valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied a prior authorization request for transportation services to a gym.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 407.411, in denying a prior authorization request for transportation services to a gym.

¹ The request for a hearing filed on February 23, 2023 states that Appellant is appealing a notice dated February 16, 2023 which also denied transportation services to a gym. On either notice, the appeal request is timely, and the issue on appeal is the same.

Summary of Evidence

The MassHealth representative appeared by telephone and testified that MassHealth denied a prior authorization request for transportation services to Planet Fitness. Pursuant to 130 CMR 407.411, MassHealth determined that transportation to Planet Fitness is not a covered service to a provider contracted with MassHealth.

Appellant's mother appeared by telephone and testified that Appellant has been diagnosed with Erb's palsy since birth, which she described as a muscle disorder. Appellant does pelvic floor exercises to improve bowel function and lessen the effects of irritable bowel syndrome. Appellant has received transportation to physical therapy appointments but has reached the maximum number of appointments. Appellant's physical therapist recommended that Appellant go to the gym and work with trainers who can assist with the exercises, but transportation to the gym is unavailable and creates a hardship (Exhibit 4).

Findings of Fact

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

1. MassHealth denied a prior authorization request for transportation services to Planet Fitness.
2. Appellant's physical therapist recommended that Appellant go to the gym and work with trainers who can assist with exercises.
3. Planet Fitness is not a provider contracted with MassHealth.

Analysis and Conclusions of Law

Regulation 130 CMR 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 (*see* 130 CMR 450.105: *Coverage Types*).

(1) In the case of public transportation, the MassHealth agency determines those medical services that are covered by MassHealth.

(2) In the case of fee-for-service ambulance and wheelchair van transportation, it is the responsibility of the transportation provider to judge which medical services are covered by MassHealth and to advise the member in cases where transportation is requested to a service that, in the provider's judgment, may not be or is not covered by MassHealth. If a member is in doubt as to whether or not a medical service is covered by MassHealth, the member should contact the MassHealth agency.

(3) In the case of brokered transportation, the MassHealth agency determines those services that are covered by MassHealth.

(B) Noncovered Services. The following are examples of transportation services that are not covered by MassHealth:

- (1) transportation to child day-care centers and nurseries;
- (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;
- (3) transportation to schools, summer camps, and recreational programs (for example, swimming classes);
- (4) transportation of family members to visit a hospitalized or institutionalized member;
- (5) transportation to a medical facility or physician's office for the sole purpose of obtaining a medical recommendation for homemaker/chore services;
- (6) transportation to government-agency offices;
- (7) transportation to visit a child in foster-care placement or in group-care placement;
- (8) transportation to a medical service that is within 0.75 miles of the member's home or other MassHealth agency-approved point of origin, when the member is able to ambulate freely with or without an escort;
- (9) transportation to pharmacies to obtain medications; and
- (10) transportation to obtain computerized axial tomography (CAT) scans at a facility other than one that has been issued a Certificate of Need by the Massachusetts Department of Public Health.

Gym memberships are not covered services under any MassHealth coverage type,² nor is Planet Fitness or its trainers contracted with MassHealth. Therefore, MassHealth correctly denied the prior authorization request.

The appeal is DENIED.

Order for MassHealth

None.

² See 130 CMR 450.105.

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.

Thomas J. Goode
Hearing Officer
Board of Hearings

cc: MassHealth Representative: Transportation