

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision: Dismissed

Appeal Number: 2301905

Decision Date: 5/3/2023

Hearing Date: 05/01/2023

Hearing Officer: Alexis Demirjian

Appearance for Appellant:



Appearance for MassHealth:

Mary Jo Elliot, RN, 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:	Modification of PCA Time
Decision Date:	5/3/2023	Hearing Date:	05/01/2023
MassHealth's Rep.:	Mary Jo Elliot, RN	Appellant's Rep.:	
Hearing Location:	Virtual Hearing	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 February 17, 2023, MassHealth modified the appellant's prior authorization request for Personal Care Attendant ("PCA") assistance. (See Exhibit 2). The appellant filed this appeal in a timely manner on March 9, 2023 (see 130 CMR 610.015(B) and Exhibit 2). Individual MassHealth agency determinations regard scope and amount of assistance are valid grounds for appeal (see 130 CMR 610.032 (A) (5)).

Action Taken by MassHealth

MassHealth modified the appellant's prior authorization request for PCA time.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 422.410 (A) (1) and 130 CMR 450.204 (A)(1) , in modifying they appellant's request for prior authorization of PCA time.

Summary of Evidence

This appeal involves a modification of requested PCA services. MassHealth made modifications to requested PCA services in the following areas: mobility, dressing/undressing, and assistance with medication.

After hearing testimony from the appellant regarding her conditions and the circumstances surrounding her ability to move between rooms, MassHealth agreed to restore the requested time in mobility. Thus, MassHealth restored the time as requested which was 5 minutes per episode, 6 episodes per day, 7 days per week or 210 minutes per week for the task of transfers.

MassHealth further agreed to restore the time requested for medication assistance, specifically they agreed to authorize 30 minutes per episode, twice per week, for assistance with filling the appellant's medication packs.

MassHealth will issue a new notice that will include the restored PCA time in the areas of mobility and medication assistance.

In the area of dressing/undressing, the appellant agreed that the modification of the requested time was appropriate and no longer contested the modification.

Findings of Fact

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

1. At hearing, MassHealth agreed to restore the requested PCA time in transfers to 5 minutes per episode, 6 episodes per day, 7 days per week, totaling 210 minutes per week. (Testimony).
2. At hearing, MassHealth agreed to restore the requested PCA time in medication assistance, specifically 30 minutes per episode, 2 episodes per week, totaling 60 minutes per week. (Testimony).
3. The appellant agreed with the modification in dressing/undressing. Accordingly, the time allotted for those dressing will remain at 20 minutes per episode, 1 episode per day, 7 days per week. For the task of undressing, the time will remain at 15 minutes per episode, 1 episode per day, 7 days per week. (Testimony).

Analysis and Conclusions of Law

Pursuant to 130 CMR 403 (C), MassHealth covers personal care services provided to eligible

MassHealth members who can be appropriately cared for in the home when all the following conditions are met:

- (1) The PCA services are authorized for the member in accordance with 130 CMR 422.416.
- (2) The member's disability is permanent or chronic in nature and impairs the member's functional ability to perform ADLs and IADLs without physical assistance.
- (3) The member, as determined by the PCM agency, requires physical assistance with two or more of the ADLs as defined in 130 CMR 422.410(A).
- (4) The MassHealth agency has determined that the PCA services are medically necessary.

Personal Care Attendants (“PCAs”) must provide services in accordance with 130 CMR 422.000 and the scope of services described under 130 CMR 422.419 (C) and the service agreement established pursuant to 130 CMR 422.423.

130 CMR 422.419 (C) describes the scope of services a PCA may provide:

The PCA must provide PCA services pursuant to 130 CMR 422.000 and in accordance with the following:

- (1) Provide assistance with ADLs and IADLs as described in 130 CMR 422.410 and the service agreement established pursuant to 130 CMR 422.423;
- (2) Not provide any non-covered services as described in 130 CMR 422.412 as part of the PCA program;

The issue in this appeal was whether MassHealth’s modifications of requested PCA time were appropriate. At hearing, MassHealth agreed to restore the requested PCA time in mobility and medication assistance. The appellant was satisfied with this resolution.

Additionally, after discussing the task of dressing/undressing with MassHealth, the appellant agreed that the modified time was appropriate and no longer contested the modification by MassHealth.

As the issue on appeal is modification of PCA services and that issue has been resolved, this appeal is DISMISSED.

Order for MassHealth

If they have not already done so, rescind the February 17, 2023 notice and issue a new notice which reflects the restored time in the areas of mobility and medication assistance.

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.

Alexis Demirjian
Hearing Officer
Board of Hearings

cc:

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

[REDACTED]