

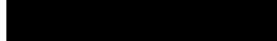
# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



|                         |                 |                       |            |
|-------------------------|-----------------|-----------------------|------------|
| <b>Appeal Decision:</b> | Dismissed       | <b>Appeal Number:</b> | 2304489    |
| <b>Decision Date:</b>   | 7/18/2023       | <b>Hearing Date:</b>  | 06/29/2023 |
| <b>Hearing Officer:</b> | Sara E. McGrath |                       |            |

**Appearances for Appellant:**



**Appearance for MassHealth:**

Elizabeth Miner, Optum  
Sarah Kelly, Optum



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

## APPEAL DECISION

|                          |                            |                        |   |
|--------------------------|----------------------------|------------------------|---|
| <b>Appeal Decision:</b>  | Dismissed                  | <b>Issue:</b>          | Prior Authorization for Durable Medical Equipment |
| <b>Decision Date:</b>    | 7/18/2023                  | <b>Hearing Date:</b>   | 06/29/2023  |
| <b>MassHealth Rep.:</b>  | Elizabeth Miner            | <b>Appellant Rep.:</b> | Parent  |
| <b>Hearing Location:</b> | Board of Hearings (Remote) |                        |   |

### Authority

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

### Jurisdiction

Through notice dated May 12, 2023, MassHealth notified the appellant, a minor child, that it had denied his request for prior authorization for a speech generating device (Exhibit 1). The appellant's parent timely appealed this notice, and the hearing was scheduled for June 29, 2023 (Exhibit 2). At hearing, the MassHealth representatives explained that on June 22, 2023, MassHealth approved the requested device (Exhibit 1). Further, MassHealth subsequently worked with the appellant's new managed care organization, and on June 28, 2023, BeHealthy Partnership also approved the requested speech generating device (Exhibit 5, p. 3).<sup>1</sup> The appellant's parent requested that the record be held open for two weeks to confirm delivery of the device.<sup>2</sup> The hearing officer agreed to the request.

On July 13, 2023, the appellant's parent requested that the record be held open for an additional four weeks because the durable medical equipment provider was experiencing a "supply chain whiplash" (Exhibit 5). The appellant's request for an extension to the record-open period is

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<sup>1</sup> The MassHealth representative explained that as of April 1, 2023, the appellant was transitioned to an accountable care organization called BeHealthy Partnership.

<sup>2</sup> The parties clarified that the appellant has a loaner device that he can keep until the new equipment is delivered.

denied. Production and delivery delays are beyond the scope of the appeal, and extending the record open period is not warranted. Because the requested durable medical equipment has been approved, all appealable issues of dispute have been resolved and the appeal is appropriately dismissed (130 CMR 610.035(A)(8)).

## **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.

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Sara E. McGrath  
Hearing Officer  
Board of Hearings

cc: Optum