

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2304901
Decision Date:	7/17/2023	Hearing Date:	July 03, 2023
Hearing Officer:	Brook Padgett		

Appellant Representative:



MassHealth Representative:

Katina Dean



*Commonwealth of Massachusetts
Executive Office of Health and Human Services
MassHealth of Medical Assistance
Board of Hearings
100 Hancock Street, 6th floor
Quincy, MA 02171*

APPEAL DECISION

Appeal Decision:	Denied	Issue:	130 CMR 407.411
Decision Date:	7/17/2023	Hearing Date:	July 03, 2023
MassHealth Rep.:	K. Dean	Appellant Rep.:	Daughter
Hearing Location:	Quincy MEC		

Jurisdiction

The appellant received a notice dated June 12, 2023 stating her provider's request for transportation has been denied. (Exhibit 1).

The appellant filed this appeal timely on June 14, 2023. (130 CMR 610.015(B); Exhibit 2).

Denial of a request for transportation services is valid grounds for appeal. (130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied the appellant's provider's request for transportation to an Adult Day Health facility.

Issue

Is the appellant eligible for the requested transportation services?

Summary of Evidence

MassHealth testified the appellant's provider submitted a PT-1 requesting transportations to an Adult Day Health center in Malden. The request was denied on June 12, 2023, as per contract MassHealth already pays the adult day health to provide transportation services and the request was a duplication of services.

The appellant's representative testified the appellant is Haitian creole speaking and this adult day health program is very important and necessary for her mental health as they speak her language. The representative stated attending any other adult day health would not be useful and possibly determinantal to the appellant's mental health. The representative stated the appellant's request for transportation was approved last year and nothing has changed so she doesn't understand why it is now being denied. The representative stated that the provider is stating they need to submit a PT-1 for reimbursement as the appellant lives in Lowell which is far away from Malden. The appellant submitted into evidence a letter from her primary care physician stating the appellant's overall health depends on stability and "this is the only culturally, linguistically appropriate adult day health center for [the appellant] in the area. [And] is a medical necessity to help prevent re-admission to the medical and psychiatric ward." (Exhibit 4).

MassHealth responded that the last authorization was done in error and that to pay the provider's PT-1 request would be a duplication of services so the request must be denied.

Findings of Fact

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

1. The appellant's provider requested transportation to North Shore Haitian Adult Day Health in Malden (Exhibit 1 and testimony).
2. MassHealth will not pay for transportation services to adult day health programs. (Testimony).
3. The appellant's provider is under contract to provide transportation services to those attending their program. (Testimony).

Analysis and Conclusions of Law

The appellant's provider submitted a PT-1 requesting transportation for the appellant to the North Shore Haitian Adult Day Health in Malden. The request was denied on June 12, 2023, as transportation to an adult day health program is a noncovered service (130 CMR 407.411). To be eligible for reimbursement for personal transportation expenses the transportation must be for a medical service covered by MassHealth.

130 CMR 407.411: Transportation Utilization Restrictions: Covered Services

- (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.

The appellant is requesting transportation authorization to the North Shore Haitian Adult Day Health in Malden. Transportation to an adult day health programs is a noncovered service per MassHealth regulation and therefore the appellant is ineligible for MassHealth transportation to Adult Day Health Malden.

The appellant should contact her provider to request transportation to their program.

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.

Brook Padgett
Hearing Officer
Board of Hearings

cc: MassHealth representative: Maximus Transportation.