

# Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2305563
Decision Date:	08/17/2023	Hearing Date:	8/16/2023
Hearing Officer:	Thomas J. Goode		

Appearance for Appellant:  
Mother

Appearance for MassHealth:  
Mary Jo Eliot, 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

<b>Appeal Decision:</b>	Dismissed	<b>Issue:</b>	Prior Authorization
<b>Decision Date:</b>	08/17/2023	<b>Hearing Date:</b>	08/16/2023
<b>MassHealth's Rep.:</b>	Mary Jo Eliot, RN, Optum	<b>Appellant's Rep.:</b>	Mother
<b>Hearing Location:</b>	Remote		

### Authority/Jurisdiction/Summary of Evidence

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder. Through a notice dated June 14, 2023, MassHealth modified Appellant's prior authorization request for PCA hours from 87.75 day/evening hours and 2 nighttime hours to 75.25 day/evening hours and 2 nighttime hours (130 CMR 422.000 *et seq.* and Exhibit 1). Appellant timely filed an appeal on July 10, 2023 and has been receiving aid pending (130 CMR 610.015 and Exhibit 2). Denial of a request for prior authorization is valid grounds for an appeal (130 CMR 610.032). MassHealth modified PCA hours for dressing and undressing, medication administration via G-Tube, tracheostomy care, oral suctioning, and PCA time requested for cough assist and changing ventilation filters. Based on Appellant's representative's testimony and agreement at hearing, MassHealth approved 25 minutes once per day for dressing, and 20 minutes once per day for undressing; 30 minutes per day for medication administration via G-tube as requested; oral suctioning in 5-minute increments 5 times per day; tracheostomy care 5 minutes per day; and cough assist and changing ventilation filters 5 minutes 3 times per day 7 days per week as requested. The agreement between the parties resulted in PCA hours increased to 80 hours per week. Appellant's representative testified that she would contact the PCM agency to request additional hours in areas that were not modified and were approved as requested by MassHealth.

### Analysis & Conclusions of Law

Pursuant to 130 CMR 610.051(B) the MassHealth agency or the acting entity may make an adjustment in the matters at issue before or during an appeal period. If the parties' adjustment resolves one or more of the issues in dispute in favor of the appellant, the hearing officer, by written order, may dismiss the appeal in accordance with 130 CMR 610.035 as to all resolved

issues, noting as the reason for such dismissal that the parties have reached agreement in favor of the appellant. Because the parties have reached resolution of all matters relating to this appeal of the June 14, 2023 notice and modifications to PCA time made thereunder, pursuant to 130 CMR 610.051, 610.035(A)(8), the appeal is DISMISSED.

## **Order for MassHealth**

Rescind aid pending and approve 80 day/evening PCA hours as agreed to at hearing.

## **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.

## **Implementation of this Decision**

If this decision is not implemented within 30 days after the date of this decision, you should contact your MassHealth Enrollment Center. If you experience problems with the implementation of this decision, you should report this in writing to the Director of the Board of Hearings, at the address on the first page of this decision.

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Thomas J. Goode  
Hearing Officer  
Board of Hearings

cc: Optum