

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2305786
Decision Date:	08/18/2023	Hearing Date:	08/11/2023
Hearing Officer:	Alexandra Shube		

Appearance for Appellant:

Via telephone:



Appearance for MassHealth:


Via telephone:

Katina Dean, Maximus Transportation



*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:	08/18/2023	Hearing Date:	08/11/2023
MassHealth's Rep.:	Katina Dean	Appellant's Rep.:	
Hearing Location:	Quincy Harbor South Remote	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 June 22, 2023, MassHealth denied the appellant's request for MassHealth transportation benefits because MassHealth determined that adult day health provides its own transportation (Exhibit 1). The appellant filed this appeal in a timely manner on July 17, 2023 (see 130 CMR 610.015(B) and Exhibit 2). Denial of assistance is valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied the appellant's provider's request for transportation (PT-1).

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 407.411, in denying the appellant's PT-1.

Summary of Evidence

The MassHealth representative appeared at hearing via telephone and testified as following: MassHealth received a PT-1 on behalf of the appellant requesting transportation to her adult day health program. On June 22, 2023, MassHealth denied the appellant's provider's request for transportation because transportation to adult day health is a non-covered service and the adult day health program is contracted to provide its own transportation. The exception in the regulation is when transportation is arranged by special contract with the MassHealth Adult Day Health Program, but the appellant's adult day program has no such special contract.

The appellant was represented at hearing via telephone by the program nurse from her adult day health program, her brother who is her legal guardian, and her sister-in-law who is her caregiver. The program nurse testified that the program's contracted van service only goes to the adjacent towns, which does not include the appellant's town. Furthermore, the regional public transportation never resumed after Covid-19. The program only has one van. She has contacted the state and has been trying to get a special contract in place, but she has not had success and does not know who else to contact. Prior to this program, the appellant received transportation through MassHealth to a different day program.

The MassHealth representative explained that the appellant's previous program was a day habilitation program, which is categorized differently than the adult day health program she currently attends. She did not know who the appellant's representatives could contact to arrange for a special contract.

Findings of Fact

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

1. MassHealth received a PT-1 on behalf of the appellant requesting transportation to her adult day health center (Testimony and Exhibit 5).
2. On June 22, 2023, MassHealth denied the appellant's provider's request for transportation because adult day health provides their own transportation (Testimony and Exhibit 1).
3. On July 17, 2023, the appellant timely appealed the denial notice (Exhibit 2).
4. Transportation to adult day health programs is a noncovered service by MassHealth (Testimony).
5. The appellant's adult day health program does not have a special contract with the MassHealth Adult Day Health Program (Testimony).

Analysis and Conclusions of Law

MassHealth regulation 130 CMR 407.411 addresses noncovered services under transportation utilization requirements. Specifically, 130 CMR 407.411(B) states in relevant part that the following is an example of transportation services that **are not covered by MassHealth**:

(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...

MassHealth correctly denied the appellant's request for transportation services. The request is for transportation to an adult day health program, which is not a covered service, except when arranged by special contract. There is no such special contract here and, unfortunately, no other applicable exception.

For these reasons, the MassHealth decision was correct and the appeal is denied.

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.

Alexandra Shube
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Katina Dean, MAXIMUS - Transportation, 1 Enterprise Drive, Suite 310, Quincy, MA 02169

[REDACTED]