

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision: Approved

Appeal Number: 2306555

Decision Date: 10/12/2023

Hearing Date: September 7, 2023

Hearing Officer: Stanley M. Kallianidis

Appellant Representative:



MassHealth Representative:

Sara Pedone, PT



*Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
Board of Hearings
100 Hancock Street, 6th Floor
Quincy, MA 02171*

APPEAL DECISION

Appeal Decision:	Approved	Issue:	Necessary and Reasonable DME/Duplication of Item
Decision Date:	10/12/2023	Hearing Date:	September 7, 2023
MassHealth Rep.:	Sara Pedone, PT		

Authority

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

Jurisdiction

On July 13, 2023 MassHealth denied the appellant's prior authorization request for a Rifton Hi-Lo Activity Chair because it determined that it was not medically necessary for treatment of the appellant's condition (see 130 CMR 450.204, 409.414 and Exhibit 1). The appellant filed this appeal in a timely manner on August 4, 2023 (see 130 CMR 610.015 and Exhibit 2). The denial of assistance is valid grounds for appeal (see 130 CMR 610.032). On August 7, 2023, a hearing notice was issued to the parties (Exhibit 3).

Action Taken by MassHealth

MassHealth denied the appellant's prior authorization request for a Rifton Hi-Lo Activity Chair.

Issue

Whether MassHealth was correct, pursuant to 130 CMR 450.204 and 409.414 in determining that the appellant's request was not medically necessary because it serves the same purpose of her manual wheelchair.

Summary of Evidence

The MassHealth representative testified that the appellant, a minor female diagnosed with Wolf-Hirschhorn Syndrome with associated microcephaly, failure to thrive, hypotonia, focal epilepsy, dysgenesis of the corpus callosum and global developmental delays, requested a Rifton Hi-Lo Activity Chair with accessories. MassHealth determined that the appellant's request was not medically necessary because it serves the same purpose of her recently approved Little Wave manual wheelchair. MassHealth cited 130 CMR 409.414(B)(3) as a basis for denying the requested equipment (Exhibit 4).

According to September 2022 and June 2023 letters of medical necessity from the appellant's physical therapist, the Rifton chair will allow the appellant to interact with her family and participate with daily activities in ways that her wheelchair does not. Among the requested features, the Hi-Lo base will allow her to assist in transfers and feeding and table skills. The adjustable back rest will allow for active participatory sitting as well as a reclined resting position. The tray feature will allow placement of learning tools and hand positioning at an accessible height for the appellant (Exhibit 4).

In a subsequent July 24, 2023 letter, the physical therapist noted that the appellant uses a Rifton chair at school and that it functions well for her. She indicated that the Rifton chair in a home setting will provide the appellant many benefits beyond her wheelchair. For instance, it will allow her to be at the table with her family at mealtime and during activities. Also, her current wheelchair does not allow her to be at eye-level with peers or her little brother during playtime. Nor does it allow her feet to touch the floor so that she may assist with transfers (Exhibit 5).

The appellant's mother testified that the appellant's bedroom is on the second floor of their home and that the wheelchair is too cumbersome to bring up and down the stairs. The Rifton chair at home would allow the appellant to sit at different levels to be able to participate in activities.

The appellant's nurse testified that the Hi-Lo and tilt features would allow the appellant to participate in play activities and activities of daily living such as daily grooming. These features would also allow the appellant position changes. Also, because the appellant has had recent problems with skin rashes, they would assist in preserving her skin integrity.

The MassHealth representative confirmed that the seat height of the appellant's manual wheelchair cannot be adjusted, and it cannot tilt forwards and backwards. She also confirmed that the appellant's manual wheelchair does not come with a tray. However, she stated that the wheelchair is light enough to be transferred up and down the stairs. She reiterated her denial of the Rifton Hi-Lo Activity Chair with accessories as it would serve the same purpose of her wheelchair.

Findings of Fact

Based on a preponderance of the evidence, I find:

1. The appellant a minor female, requested a Rifton Hi-Lo Activity Chair with accessories (Exhibits 1 & 4).
2. MassHealth determined that the appellant's request was not medically necessary because it serves the same purpose of her recently approved Little Wave manual wheelchair (Exhibit 1).
3. The appellant's medical history includes Wolf-Hirschhorn Syndrome with associated microcephaly, failure to thrive, hypotonia, focal epilepsy, dysgenesis of the corpus callosum and global developmental delays (Exhibits 4 & 5).
4. The Rifton Chair's Hi-Lo base will allow the appellant to assist in transfers, feeding and table skills. It will also allow the appellant to be at eye level with family and peers (Exhibits 4 & 5).
5. The Rifton Chair's adjustable back rest will allow for active participatory sitting as well as a reclined resting position (Exhibits 4 & 5).
6. The Rifton Chair's tray feature will allow placement of learning tools and hand positioning at an accessible height for the appellant (Exhibits 4 & 5).
7. The seat height of the appellant's manual wheelchair cannot be adjusted, and it cannot tilt forwards and backwards (testimony).
8. The appellant's manual wheelchair does not come with a tray (testimony).

Analysis and Conclusions of Law

A service is medically necessary if:

(1) it is reasonably calculated to prevent, diagnose, prevent the worsening of, alleviate, correct, or cure conditions in the recipient that endanger life, cause suffering or pain, cause physical deformity or malfunction, threaten to cause or to aggravate a handicap, or result in illness or infirmity; and

(2) there is no other medical service or site of service, comparable in effect, available and suitable for the member requesting the service, that is more conservative or less costly to MassHealth (130 CMR 450.204(A)).

Pursuant to 130 CMR 450.204(B), medically necessary services must be of a quality that meets professionally recognized standards of health care and must be substantiated by records including evidence of such medical necessity and quality. A provider must make those records available to MassHealth upon request.

Pursuant to 130 CMR 409.414:

The MassHealth agency does not pay for the following:

(A) DME that is experimental in nature;

(B) DME that is determined by the MassHealth agency not to be medically necessary pursuant to 130 CMR 450.204. This includes, but is not limited to items that:

(1) cannot reasonably be expected to make a meaningful contribution to the treatment of a member's illness or injury;

(2) are more costly than medically appropriate and feasible alternative pieces of equipment; or

(3) serve the same purpose as DME already in use by the member with the exception of the devices described in 130 CMR 409.413(D);

In the instant case, MassHealth denied the appellant's requested Rifton Hi-Lo Activity Chair with accessories, because it determined that the request was not medically necessary. MassHealth cited 130 CMR 409.414(B)(3) as a basis for denying the requested equipment as the Rifton Chair would serve the same purpose, ambulation, that her recently approved Little Wave manual wheelchair manual wheelchair already serves.

The appellant's medical history includes Wolf-Hirschhorn Syndrome with associated microcephaly, failure to thrive, hypotonia, focal epilepsy, dysgenesis of the corpus callosum and global developmental delays.

I have found that based upon testimony and letters from the appellant's physical therapist, the Rifton Chair's Hi-Lo base will allow the appellant to assist in transfers, feeding and table skill and will allow the appellant to be at eye level with family and peers. Also, its adjustable back rest will allow for active participatory sitting as well as a reclined resting position. Finally, the Rifton Chair's tray feature will allow placement of learning tools and hand positioning at an accessible height for the appellant.

It is undisputed that the seat height of the appellant's manual wheelchair cannot be adjusted, and it cannot tilt forwards and backwards like the Rifton chair. Also, there is no dispute that the appellant's manual wheelchair does not come with a tray. Accordingly, because the appellant's requested Rifton Chair has many useful features and capabilities that her manual chair does not, I conclude that it would not "serve the same purpose as DME already in use" pursuant to 130 CMR 409.414(B)(3). I also conclude that it therefore it is "medically necessary" pursuant to 130 CMR 450.204.

The appeal is therefore approved.

Order for MassHealth

Approve requested Rifton Hi-Lo Activity Chair.

Implementation of this Decision

If this decision is not implemented within 30 days after the date of this notice, you should contact your local office. 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.

Stanley M. Kallianidis
Hearing Officer
Board of Hearings

cc:

Sara Pedone, Optum