

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2308288
Decision Date:	11/21/2023	Hearing Date:	10/17/2023
Hearing Officer:	Scott Bernard		

Appearance for Appellant:
Pro se via telephone

Appearance for MassHealth:
Mary Jo Elliott, RN *via telephone*



*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:	Dismissed	Issue:	PCA/Conversion of Hours/Correction
Decision Date:	11/21/2023	Hearing Date:	10/17/2023
MassHealth's Rep.:	Mary Jo Elliott, RN	Appellant's Rep.:	<i>Pro se</i>
Hearing Location:	Quincy Harbor South		

Jurisdiction

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder. In a notice dated September 4, 2023, MassHealth informed the appellant that it was modifying his request for PCA services by allowing him, starting on August 27, to schedule his PCA to work at any time of the day or night, as long as he did not exceed his authorized weekly hours. (See 130 CMR 422.400 *et seq*; Exhibit (Ex.) 1). The appellant filed this appeal in a timely manner on September 13, 2023. (See 130 CMR 610.015(B) and Ex. 2). Modification of a PCA services is valid grounds for appeal. (See 130 CMR 610.032).

At the hearing, the MassHealth representative testified that the notice under appeal did not modify the times for activities of daily living or instrumental activities of daily living that MassHealth and the appellant agreed upon in a previous appeal. Rather, MassHealth was notifying the appellant of a rule change eliminating night hours as a separate category. The MassHealth representative stated that as of August 27, 2023, the appellant would be permitted to use approved hours for any time of the day or night. The appellant stated that this was his primary concern, because he had to appeal modifications made to his request for PCA services earlier in 2023. He wanted reassurance that MassHealth was not changing the times MassHealth previously agreed to honor. The MassHealth representative reassured the appellant that this did not change the times previously agreed upon, although she stated that the end of the appellant's PCA period was approaching and that the PCM agency would soon be submitting a new request for services, which may result in changes.

MassHealth may make an adjustment in the matters at issue before or during an appeal period. (130 CMR 610.051(B)). 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 as to all resolved issues, noting as the reason for such dismissal that the parties have reached agreement in

favor of the appellant. The only issue under consideration concerned the possible modification to times that MassHealth and the appellant negotiated in a previous appeal. The MassHealth representative reassured the appellant that the notice solely concerned the policy change MassHealth instituted eliminating night hours.

For the above reasons, the appeal is DISMISSED.

Scott Bernard
Hearing Officer
Board of Hearings

cc:

Optum MassHealth LTSS, P.O. Box 159108, Boston, MA 02215