

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Dismissed	<b>Appeal Number:</b>	2308570
<b>Decision Date:</b>	11/7/2023	<b>Hearing Date:</b>	10/19/2023
<b>Hearing Officer:</b>	Mariah Burns		

**Appearance for Appellant:**  
Pro se

**Appearance for MassHealth:**  
Mary-Jo Elliot, RN for 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>	Decision	<b>Issue:</b>	Timeliness
<b>Decision Date:</b>	11/7/2023	<b>Hearing Date:</b>	10/19/2023
<b>MassHealth's Rep.:</b>	Mary-Jo Elliot, RN	<b>Appellant's Rep.:</b>	Pro se
<b>Hearing Location:</b>	Remote	<b>Aid Pending:</b>	No

On August 17, 2023, MassHealth issued a notice informing the appellant that, due to a change in MassHealth's policy, her day/evening and nighttime personal care attendant (PCA) hours were being combined, allowing her to use the hours at any time of the day. Exhibit 1. Also included on that notice was information from a notice that issued on July 14, 2023, modifying the appellant's prior authorization request for PCA hours. The appellant filed a request for fair hearing on September 19, 2023, included the August 17<sup>th</sup> notice with her request, and challenged the reduction of her PCA hours. Exhibit 2. The Fair Hearing Rules require any request for fair hearing to be submitted within 60 days of the notice at issue. 130 CMR 610.015(B)(1). Because the appellant did not appeal the July 14, 2023, notice in a timely manner, the Board of Hearings lacks jurisdiction to hear the appeal.

For those reasons, the appeal must be hereby DISMISSED without hearing.

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Mariah Burns  
Hearing Officer  
Board of Hearings

cc:

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