

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



**Appeal Decision:** Dismissed

**Appeal Number:** 2308885

**Decision Date:** 10/26/2023

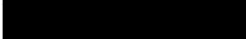
**Hearing Date:** 10/23/2023

**Hearing Officer:** Alexis Demirjian

**Appearance for Appellant:**  
Pro se

**Appearance for MassHealth:**  
Mary Jo Elliot, RN, Optum

**Interpreter:**



*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>	Modification of PCA Hours
<b>Decision Date:</b>	10/26/2023	<b>Hearing Date:</b>	10/23/2023
<b>MassHealth's Rep.:</b>		<b>Appellant's Rep.:</b>	Pro se
<b>Hearing Location:</b>	Quincy Harbor South 3	<b>Aid Pending:</b>	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 September 1, 2023, MassHealth modified the appellant's prior authorization request for Personal Care Attendant ("PCA") services. (see 130 CMR 450.303 and Exhibit 1). The appellant filed this appeal in a timely manner on September 22, 2023. (see 130 CMR 610.015(B) and Exhibit 2). Individual MassHealth agency determinations regarding scope and amount of assistance (including, but not limited to, level-of-care determinations) is valid grounds for appeal before the Board of Hearings. (see 130 CMR 610.032 (5)).

## Action Taken by MassHealth

MassHealth modified the appellant's prior authorization request for PCA services.

## Issue

The appeal issue is whether MassHealth was correct in modifying the appellant's prior authorization request for PCA services.

## Summary of Evidence

The parties appeared via telephone for a hearing, MassHealth was represented through its vendor, Optum, by a registered nurse and clinical reviewer. The appellant represented himself. An interpreter was scheduled and available to translate the entirety of the proceedings and testimony.

The MassHealth representative testified that the prior authorization request was an initial request for PCA services requested by Northeast ARC. The initial request was for 8 hours 45 minutes of weekly PCA time. As part of the initial request evaluation, an occupational therapy assessment was made and a report was issued which can be found in Exhibit 4, p. 8-9. An occupational therapist opined that based on the appellant's impairments, the appellant needed minimum to moderate assists for activities of daily living ("ADLs"). The appellant has the primary diagnosis of arthritis – lower lumbar, sleep apnea, history of falls without injury, hypertension, and uses hearing aids in both ears.<sup>1</sup>

After reviewing the prior authorization request, MassHealth modified the appellant's requested PCA hours to 4 hours and 15 minutes per week, with an authorization period of September 1, 2023, through August 31, 2024.

MassHealth modified the prior authorization in the following areas: dressing, undressing, bladder care, and transportation.

MassHealth offered testimony that the reduction in time allotted for dressing and undressing tasks was since the appellant could dress himself from the waist up and only required assistance with clothing from the waist down. The appellant did not disagree with that assessment and testified that he agreed to the modification as put forth by MassHealth in the September 1<sup>st</sup> notice.

MassHealth modified bladder care time from the requested 5 minutes, 6 episodes per day, 7 days per week, based on the appellant's independent mobility and ability to take care of this biological and hygiene functions himself. MassHealth did not modify the request for 8 minutes, 1 episode per day, 3 days per week to help the appellant with care related to incidences of incontinence. After listening to the testimony of the MassHealth representative, the appellant testified that he does not disagree with their assessment or the modification. The hearing officer directly questioned the appellant as to what kind of assistance is needed when he goes to the bathroom, the appellant testified that he does not need PCA assistance with this task. The appellant reaffirmed that he does not contest the modification of bladder care time.

The final area of modification under appeal was related to the task of driving the appellant to

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<sup>1</sup> The appellant does not have a surrogate and did not request an accommodation related to his hearing impairment.

medical appointments. The prior authorization requested 230 minutes per year for driving the appellant to various medical appointments. MassHealth modified this to 0 minutes per year for this task. The MassHealth representative testified that she was reversing this determination and restoring the 230 minutes per year for this task, with amounts to 5 minutes of PCA time per week. Despite this restoration, the amount of PCA time the appellant will receive weekly is unchanged due to the formula for calculating hours and rounding to the nearest quarter hour.

The MassHealth representative also testified that the appellant may have his PCM agency file a modified request to include time for additional medical appointments if the appellant has more visits that initially requested on this underlying prior authorization.

## **Findings of Fact**

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

1. On September 1, 2023, MassHealth modified the appellant's prior authorization request for PCA services. (Exhibit 1; Testimony).
2. MassHealth modified tasks in the following areas: dressing, undressing, bladder care, and transportation. (Exhibit 1; Testimony).
3. The appellant does not contest the modifications made to the tasks of dressing, undressing and bladder care. (Testimony).
4. MassHealth reversed their modification in for the task of transportation and approved 230 minutes per year, which equals 5 minutes per week. (Testimony)

## **Conclusion**

The issue on appeal involved the modifications of the appellant's prior authorization for PCA time. At hearing, the appellant no longer contested modifications made in the areas of dressing, undressing, and bladder care. The sole issue of contention involved the modification of PCA time for transportation to medical appointments. MassHealth agreed to restore the time requested for the task of transportation, therefore all issues have been resolved.

The Board of Hearings may dismiss a hearing when they learn of an action of an adjustment or action that resolves all of the issues in dispute between the parties. See 130 CMR 610.035 (8). The underlying issue here was the denial of the requested dental services. Now that the denial has been reversed and the services are approved by UHC, there is no longer an issue in dispute. As the matter has been resolved in favor of the appellant, this appeal is DISMISSED.

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Alexis Demirjian  
Hearing Officer  
Board of Hearings

cc:

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