

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2311230
Decision Date:	12/28/2023	Hearing Date:	12/12/2023
Hearing Officer:	Patricia Mullen		

Appearance for Appellant:



Appearances for MassHealth:

Katina Dean, MassHealth Transportation Unit;
Ron Rambo, supervisor



*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:		Hearing Date:	12/12/2023
MassHealth's Reps.:	Katina Dean, MassHealth Transportation Unit; Rob Rambo, supervisor	Appellant's Rep.:	POA
Hearing Location:	Quincy Harbor South (remote)		

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 October 23, 2023, the MassHealth Transportation Authorization Unit denied the appellant's Provider Request for Transportation (PT-1) because MassHealth determined that MassHealth does not cover transportation to Adult Day Health programs. (see 130 CMR 407.411(B) and Exhibit 1). The appellant filed this appeal in a timely manner on November 16, 2023. (see 130 CMR 610.015(B) and Exhibit 3). Authorization was requested by the Board of Hearings and the appellant's representative submitted the Power of Attorney document. (Exhibits 3, 6). Denial of transportation services is valid grounds for appeal. (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied the appellant's request for transportation services to an Adult Day Health program.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 407.411(B), in denying appellant's request for transportation services.

Summary of Evidence

The appellant's Power of Attorney (POA) appeared telephonically at the hearing and verified the appellant's identity. MassHealth was represented telephonically by a worker from the MassHealth Transportation Unit and her supervisor. The appellant is over the age of 65, and open on MassHealth Standard. (Exhibit 7). The MassHealth representative noted that the appellant is currently open on MassHealth Standard for persons under age 65 due to MassHealth protections during the Covid Public Health Emergency (PHE). MassHealth protected the appellant's case during the PHE, even though he turned 65 during that time. The PHE has since been lifted and MassHealth will be redetermining the appellant's eligibility under the regulations pertaining to persons age 65 and older. The appellant's representative stated that she is working on getting the appellant approved for MassHealth Standard for persons age 65 and older.

The MassHealth representative stated that MassHealth received a PT-1 on October 29, 2023, submitted on the appellant's behalf, requesting transportation to provider [REDACTED]. (Exhibit 1, p. 2). The MassHealth representative stated that the request was denied because MassHealth does not provide transportation services to Adult Day Health programs. The MassHealth representative explained that MassHealth expects the Adult Day Health program to cover transportation services under its contract with MassHealth. The MassHealth representative cited to 130 CMR 407.411 and noted that transportation to Adult Day Health programs is not covered pursuant to MassHealth regulations. The MassHealth representative testified that the regulation states that the transportation isn't covered except when arranged by special contract with the MassHealth Adult Day Health Program. The MassHealth representative explained that this means the Adult Day Health provider can bill MassHealth for transportation services with the transportation billing code when it submits claims for its adult day health services.

The appellant's representative stated that the appellant began going to the adult day health program in August, 2023. The appellant's representative stated that they looked into programs closer to home, but didn't think they were a good fit for the appellant. The appellant is originally from the town where the adult day health program is located, knows some of the staff, and is happy going there. (Testimony). The appellant's representative stated that the appellant suffers from dementia and this program works well for him. The appellant's representative stated that the appellant's adult day health program will not provide transportation services to the appellant because he lives too far from the program. The appellant's representative read a letter from the program's director which states that the program is unable to transport the appellant to his home because it is beyond the travel scope of the program. The appellant's representative stated that there are other adult day health

participants who get transportation through a PT-1.

The MassHealth representative noted that some members may have MassHealth coverage through a Senior Care Organization (SCO), and the SCO may cover transportation services, but such coverage does not come through MassHealth.

Findings of Fact

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

1. On October 29, 2023, MassHealth received a PT-1, submitted on the appellant's behalf, requesting transportation to provider [REDACTED].
2. MassHealth denied the request based on the determination that MassHealth does not provide transportation services to Adult Day Health programs.
3. The appellant began going to the adult day health program in August, 2023.
4. The appellant's adult day health program is in a town different from the town in which he lives.
5. The appellant's adult day health program will not provide transportation services to the appellant because he lives too far from the program and it is beyond their travel scope.

Analysis and Conclusions of Law

Transportation Utilization Requirements

(B) Noncovered Services. The following are examples of transportation services that are not covered by MassHealth:

- (1) transportation to child day-care centers and nurseries;
- (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;
- (3) transportation to schools, summer camps, and recreational programs (for example, swimming classes);
- (4) transportation of family members to visit a hospitalized or institutionalized member;
- (5) transportation to a medical facility or physician's office for the sole purpose of obtaining a medical recommendation for homemaker/chore services;
- (6) transportation to government-agency offices;
- (7) transportation to visit a child in foster-care placement or in group-care placement;

- (8) transportation to a medical service that is within 0.75 miles of the member's home or other MassHealth agency-approved point of origin, when the member is able to ambulate freely with or without an escort;
- (9) transportation to pharmacies to obtain medications; and
- (10) transportation to obtain computerized axial tomography (CAT) scans at a facility other than one that has been issued a Certificate of Need by the Massachusetts Department of Public Health.

(C) Locality Restrictions. The MassHealth agency pays for an eligible member to be transported to sources of medical care only within the member's locality, unless otherwise authorized by the MassHealth agency. However, when necessary medical services are unavailable in the member's locality, transportation to the nearest medical facility in which treatment is available is covered by MassHealth. Medical transportation originates from the member's home or other appropriate location, such as the office of another provider, and proceeds to the location of the medical appointment.

(130 CMR 407.411(B), (C)).

The appellant requested coverage for transportation services to his adult day health program. Pursuant to 130 CMR 407.411(B)(2), transportation of persons who are elderly or disabled to adult day health programs, is not covered by MassHealth, except when arranged by special contract with the MassHealth Adult Day Health Program. Transportation provided by an adult day health program may be billed to MassHealth by the adult day health program if their MassHealth contract permits. The appellant's adult day health program provides transportation to its participants, but in the appellant's case, his home is too beyond their travel scope. It is unfortunate that the appellant's adult day health program cannot provide the transportation that is provided to other members, but it does not change the limitation on MassHealth coverage set forth in the regulation. It is also noted that, pursuant to 130 CMR 407.411(C), MassHealth has a locality limitation on transportation services that are otherwise covered. In other words, even if transportation to an adult day health program was covered, MassHealth only covers transportation to providers in the member's locality. Hopefully the appellant is able to enroll in a SCO that might cover transportation.

MassHealth's determination is upheld 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.

Patricia Mullen
Hearing Officer
Board of Hearings

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