

Office of Medicaid BOARD OF HEARINGS

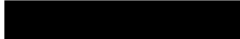
Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2311274
Decision Date:	11/29/2023	Hearing Date:	11/27/2023
Hearing Officer:	Alexandra Shube		

Appearance for Appellant:

Via telephone:

 Mother

Appearance for MassHealth:

Via telephone:

Katina Dean, Maximus Transportation
Ron Rambo, Maximus Transportation,
Supervisor (Observing)



*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 to Adult Day Health
Decision Date:	11/29/2023	Hearing Date:	11/27/2023
MassHealth's Rep.:	Katina Dean Ron Rambo	Appellant's Rep.:	Mother
Hearing Location:	Taunton MassHealth Enrollment Center, Remote	Aid Pending:	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 November 13, 2023, MassHealth denied the appellant's request for MassHealth transportation benefits because MassHealth determined that adult day health provides its own transportation (Exhibit 1). The appellant filed this appeal in a timely manner on November 10, 2023 (see 130 CMR 610.015(B) and Exhibit 2). Denial of assistance is valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied the appellant's provider's request for transportation (PT-1).

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 407.411, in denying the appellant's PT-1.

Summary of Evidence

The MassHealth representative appeared at hearing via telephone and testified as follows: MassHealth received a PT-1 on behalf of the appellant requesting transportation to her adult day health program. On November 13, 2023, MassHealth denied the appellant's provider's request for transportation because transportation to adult day health is a non-covered service and the adult day health program is contracted to provide its own transportation. Since it is contracted with MassHealth to provide transportation, it would be a duplication of services to approve the PT-1. The exception in the regulation is when transportation is arranged by special contract with the MassHealth Adult Day Health Program, but the appellant's adult day program has no such special contract.

The appellant, who is a young adult, gave verbal permission for her mother to represent her at hearing. The appellant's mother appeared at hearing via telephone and testified as follows: the adult day health program informed her that it will not provide transport to and from her town, which is only about six miles away. The appellant's mother stated that she is an Air Force veteran and long-time teacher, but she has been unable to teach since moving to Massachusetts without having the appellant in a day program. When they moved to Massachusetts, she tried to enroll the appellant in the public schools, but she was denied because of her age. She went to seven different adult day health programs and this is the only one that accepted her daughter, but now she cannot get her transportation to and from it.

Findings of Fact

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

1. MassHealth received a PT-1 on behalf of the appellant requesting transportation to her adult day health center (Testimony and Exhibit 5).
2. On November 13, 2023, MassHealth denied the appellant's provider's request for transportation because the adult day health center is contracted to provide its own transportation (Testimony and Exhibit 1).
3. On November 10, 2023, the appellant timely appealed the denial notice (Exhibit 2).
4. Transportation to adult day health programs is a noncovered service by MassHealth (Testimony).
5. The appellant's adult day health program does not have a special contract with the MassHealth Adult Day Health Program (Testimony).

Analysis and Conclusions of Law

MassHealth regulation 130 CMR 407.411 addresses noncovered services under transportation utilization requirements. Specifically, 130 CMR 407.411(B) states in relevant part that the following is an example of transportation services that **are not covered by MassHealth**:

(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...

MassHealth correctly denied the appellant's request for transportation services. The request is for transportation to an adult day health program, which is not a covered service, except when arranged by special contract. There is no such special contract here and, unfortunately, no other applicable exception.

For these reasons, the MassHealth decision was correct 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.

Alexandra Shube
Hearing Officer
Board of Hearings

cc:

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