

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2401591
Decision Date:	03/29/2024	Hearing Date:	03/05/2024
Hearing Officer:	Mariah Burns		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Katina Dean, Transportation Unit



*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:	03/29/2024	Hearing Date:	03/05/2024
MassHealth's Rep.:	Transportation	Appellant's Rep.:	Pro se
Hearing Location:	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 January 25, 2024¹, MassHealth denied the appellant's prior authorization request for coverage of transportation services. *See* 130 CMR 407.411(B)(2) and Exhibit 1. The appellant filed this appeal in a timely manner on January 31, 2024. *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 prior authorization request for coverage of transportation services to her physical therapy provider.

Issue

The appeal issue is whether MassHealth correctly determined that transportation to her physical therapist because they are not a MassHealth provider.

¹ The notice introduced at hearing reflects a date of February 2, 2024; however, the MassHealth representative at hearing stated that it initially generated on January 25.

Summary of Evidence

The appellant is an adult MassHealth Standard member under the age of 65. MassHealth was represented by a worker from the MassHealth Transportation Unit. All parties appeared at hearing by telephone. The following is a summary of the testimony and evidence presented at hearing:

On January 25, 2024, the appellant submitted a prior authorization request for coverage of transportation services to a physical therapist. That same day, MassHealth denied that request because the physical therapist in question is not a MassHealth provider, and MassHealth has interpreted its transportation regulations to mean that MassHealth will not cover transportation to providers who do not participate with MassHealth.

The appellant reported that this physical therapist uses a specific pool that has given her significant relief from her condition. She was unaware that the physical therapist is not a MassHealth provider, because Medicare is paying for the treatment. She hoped that MassHealth would just be able to cover the transport to the facility.

Findings of Fact

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

1. The appellant is an adult MassHealth Standard member under the age of 65. Testimony, Exhibit 4.
2. On January 25, 2024, MassHealth received a prior authorization request submitted on the appellant's behalf requesting coverage of transportation services to and from her physical therapist. Testimony.
3. On January 25, 2024, MassHealth denied the request on the grounds that the physical therapist does not participate with Medicaid. Testimony, Exhibit 1.
4. The appellant filed a timely notice of appeal on January 31, 2024. Exhibit 2.
5. The physical therapist in question is not a MassHealth provider. Testimony.
6. MassHealth has interpreted its transportation regulations to mean that MassHealth will not cover transportation to providers who do not participate with MassHealth. Testimony.

Analysis and Conclusions of Law

MassHealth covers the cost of transportation services for eligible MassHealth members, subject to certain restrictions. 130 CMR 407.403(A)(1). A member's coverage type dictates whether they are eligible to receive assistance with transportation services. *See generally* 130 CMR 450.105. Such services are covered for MassHealth Standard members, subject to the restrictions set forth in 130 CMR 407.000. *Id.* at 450.105(A)(1)(pp).

The MassHealth regulations specify which types of transportation services are and are not covered by MassHealth, regardless of the member's coverage type. *See* 130 CMR 407.411. At this time, MassHealth pays for transportation services "only when members are traveling to obtain medical services covered under the member's coverage type." *Id.* at 407.011(A).

An appellant bears the burden of proof at fair hearings "to demonstrate the invalidity of the administrative determination." *Andrews v. Division of Medical Assistance*, 68 Mass. App. Ct. 228, 231 (2006). The fair hearing decision, established by a preponderance of evidence, is based upon "evidence, testimony, materials, and legal rules, presented at hearing, including the MassHealth agency's interpretation of its rules, policies and regulations."

In this case, there is no evidence in the record that the physical therapy services to which the appellant is seeking coverage of transportation costs are covered under the appellant's coverage type. Further, MassHealth's interpretation of its regulations is logically sound – medical services cannot be covered under a member's coverage type if they are provided by someone who does not participate in MassHealth. For that reason, I find that the appellant has not met her burden of proof that her transportation costs to and from her physical therapist should be covered by MassHealth. I find no error with the January 25, 2024, denial of the appellant's request for prior authorization.

For the foregoing reasons, the appeal is hereby 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.

Mariah Burns
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Katina Dean, MAXIMUS - Transportation