

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2405126
<b>Decision Date:</b>	04/30/2024	<b>Hearing Date:</b>	04/22/2024
<b>Hearing Officer:</b>	Mariah Burns		

**Appearance for Appellant:**



**Appearance for MassHealth:**

Katina Dean



*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>	Denied	<b>Issue:</b>	Transportation
<b>Decision Date:</b>	04/30/2024	<b>Hearing Date:</b>	04/22/2024
<b>MassHealth's Rep.:</b>	Katina Dean	<b>Appellant's Rep.:</b>	Darren Plante
<b>Hearing Location:</b>	Remote	<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 March 20, 2024, MassHealth denied the appellant's prior authorization request for coverage of transportation services. *See* 130 CMR 407.411(B)(2), Testimony, and Exhibit 1. The appellant filed this appeal in a timely manner on March 28, 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 adult day health center.

## Issue

The appeal issue is whether MassHealth correctly determined that transportation to an adult day health center is not a covered service.

## Summary of Evidence

The appellant is an adult MassHealth member over the age of 65. She was represented at hearing by her son-in-law and authorized representative. MassHealth was represented by a worker from

the MassHealth Transportation Unit. All parties appeared by telephone. The following is a summary of the testimony and evidence presented at hearing:

The appellant submitted a prior authorization request for coverage of transportation services to her two adult day health centers. On March 20, 2024, MassHealth denied that request because transportation to adult day health is not a covered service, and the appellant's adult day health center has not arranged a special contract with MassHealth as required by the regulations. In fact, the MassHealth representative reported that there are no known adult day health centers who have special contracts with MassHealth for coverage of transportation services.

The appellant's representative reported that the appellant is a Russian-speaking individual, and the facility at which she attends is the only language-specific adult day health center in her general area. The facility does provide transport, but not as far as the town in which the appellant resides. The appellant's representative testified that they would only be looking for transportation one to two days per week, and that the family was told by MassHealth to file the PT-1 request.

## **Findings of Fact**

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

1. The appellant is an adult MassHealth Standard member over the age of 65 who currently attends an adult day health facility. Testimony, Exhibit 4.
2. MassHealth received a prior authorization request submitted on the appellant's behalf requesting coverage of transportation services to and from her adult day health center. Testimony, Exhibit 5 at 1.
3. On March 20, 2024, MassHealth denied the request on the grounds that it is for a noncovered service. Testimony, Exhibit 1.
4. The appellant filed a timely notice of appeal on March 28, 2024. Exhibit 2.
5. There are no adult day health centers in the Commonwealth that currently have special contracts with MassHealth arranging for coverage of transportation services.

## **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, "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," is considered a noncovered service. *Id.* at 407.411(B)(2).

As a MassHealth Standard member, the appellant is eligible for coverage of transportation services as allowed by the MassHealth regulations. However, in this case, her prior authorization request was for transportation services to her adult day health center, which is clearly a noncovered service. Further, there is no evidence in the record of the existence of a special contract with the appellant's adult day health center; in fact, MassHealth has no such contracts exist at this time. For those reasons, I find no error with MassHealth issuing the March 20, 2024, notice denying the appellant's PT-1 request for transportation services to her adult day health program.

For the foregoing reasons, 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.

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Mariah Burns  
Hearing Officer  
Board of Hearings

cc:

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