

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	DENIED	Appeal Number:	2409793
Decision Date:	9/16/2024	Hearing Date:	07/24/2024
Hearing Officer:	Kenneth Brodzinski		

Appearance for Appellant:

Pro se

Appearance for MassHealth:

Robin Brown, OTR



*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:	Prior Authorization - PCA
Decision Date:	9/16/2024	Hearing Date:	07/24/2024
MassHealth's Rep.:	Robin Brown OTR	Appellant's Rep.:	Pro se
Hearing Location:	Quincy		

Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated there under.

Jurisdiction

Through notice dated June 10, 2024, MassHealth modified a request for prior authorization for Personal Care Attendant (PCA) services by denying some of the requested time for service (Exhibit A). Appellant filed for this appeal in a timely manner on June 24, 2024 seeking approval for the denied time (see 130 CMR 610.015(B) and Exhibit A). Denial of prior authorization for assistance constitutes valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth modified a request for prior authorization for PCA services by denying some of the requested time for service.

Issue

The appeal issue is whether MassHealth properly applied the controlling regulation(s) to accurate facts when it modified Appellant's request for prior authorization for PCA services by denying some of the requested time for service.

Summary of Evidence

Both parties appeared by telephone.

MassHealth was represented by a registered occupational therapist who testified that Appellant's PCA provider agency submitted a prior authorization request for PCA services upon a re-evaluation seeking 92.25 day/evening hours. MassHealth made 8 modifications reducing the approved time to 77.5 hours per week.

After providing some background medical information contained in the accompanying documentation, the MassHealth representative proceeded to address the first modification which was made to time for assistance with transfers. As the MassHealth representative was testifying, Appellant interrupted and said she was only seeking help for her dialysis treatment. The MassHealth representative testified that no modifications were made to time regarding dialysis treatment and if such time were now needed, Appellant would need to contact her PCA provider agency and request an "adjustment." This was further explained to Appellant at which point Appellant hung up the telephone and the hearing ended.

Findings of Fact

Based on a preponderance of the evidence, this record supports the following findings:

1. Appellant's PCA provider agency submitted a prior authorization request for PCA services upon a re-evaluation seeking 92.25 day/evening hours.
2. MassHealth made 8 modifications reducing the approved time to 77.5 hours per week.
3. Appellant is not disputing any of the 8 modifications.
4. Appellant wants time to help with her dialysis.
5. MassHealth did not modify any time relative to dialysis.

Analysis and Conclusions of Law

The party appealing an administrative decision bears the burden of demonstrating the decision's invalidity (*Merisme v. Board of Appeals of Motor Vehicle Liability Policies and Bonds*, 27 Mass. App. Ct. 470, 474 (1989)).

Appellant has not met her burden. Appellant did not dispute the MassHealth action in any way.

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.

Kenneth Brodzinski
Hearing Officer
Board of Hearings

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