

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2410636
Decision Date:	10/04/2024	Hearing Date:	08/23/2024
Hearing Officer:	Thomas Doyle	Record Open to:	

Appearance for Appellant:



Appearance for MassHealth:

Katina Dean, Transportation Unit

Interpreter:



*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:	10/04/2024	Hearing Date:	08/23/2024
MassHealth's Rep.:	Katina Dean	Appellant's Rep.:	
Hearing Location:	Teams vidoe/audio	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 notices dated June 4, 2024 and July 19, 2024, MassHealth denied appellant's prior authorization request for transportation services. (130 CMR 407.411; Ex. 1; Ex. 1A). Appellant filed this appeal in a timely manner on July 15, 2024. (Ex. 2). Denial of assistance is valid grounds for appeal. (130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied appellant's prior authorization request for transportation services to an adult day health provider.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 407.411, in denying appellant's prior authorization request for transportation services to an adult day health provider.

Summary of Evidence

Appellant appeared via Teams video with her appeal representative. MassHealth was represented by a representative of the Transportation Unit who appeared by Teams audio. The Transportation

representative testified that MassHealth received a request for transportation services to [REDACTED] ([REDACTED]) in [REDACTED], Massachusetts. The request was denied on June 4, 2024 because MassHealth does not provide transportation to adult day health providers. (Testimony; Ex. 1; 130 CMR 407.411 (B) (2)). The MassHealth representative stated [REDACTED] is registered with the Transportation Unit as an adult day health provider. (Testimony). She stated MassHealth does not have a special contract with [REDACTED]. (Testimony). The MassHealth representative noted that appellant stated on her Fair Hearing Request Form that the facility was providing transportation before the pandemic. (Testimony; Ex. 2, p. 2).

The appeal representative stated [REDACTED] provided transportation to appellant when appellant attended [REDACTED] location in [REDACTED], Massachusetts. She stated when the pandemic ended, that location was closed and appellant was given the option to attend the [REDACTED] location in [REDACTED], Massachusetts. She stated appellant has been paying out of pocket for transportation to [REDACTED]. I asked the appeal representative if [REDACTED] Days was providing appellant with transportation before the pandemic, she said yes. (Testimony).

The appeal representative called [REDACTED], the [REDACTED] manager, as a witness. She stated that MassHealth paid for appellant's transportation to the [REDACTED] location from her day of admission. (Testimony). I asked her when MassHealth ended payments and she stated she did not know and that she "does not deal with the financial part of [REDACTED]." (Testimony).

Findings of Fact

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

1. Appellant is a female in her early 70's. (Ex. 6).
2. MassHealth denied appellant's request for transportation. (Ex. 1).
3. [REDACTED] for Seniors is an adult day health provider. (Testimony).
4. MassHealth does not have a special contract with [REDACTED]. (Testimony).
5. [REDACTED] provided appellant with transportation when appellant attended the [REDACTED] location before the pandemic. (Testimony; Ex. 2, p. 2).

Analysis and Conclusions of Law

130 CMR 407.411: Transportation Utilization Requirements:

(A) Covered Services. The MassHealth agency pays for transportation services that meet the requirements of 130 CMR 407.000 only when such services are covered under the member's MassHealth coverage type and only when members are traveling to obtain medical services covered under the member's coverage type (see 130 CMR 450.105: Coverage Types).

(B) Noncovered Services. The following are examples 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.

The appellant has the burden "to demonstrate the invalidity of the administrative determination." Andrews v. Division of Medical Assistance, 68 Mass. App. Ct. 228 (2007). In reference to 407.411 (B)(2), no evidence was submitted indicating a "special contract with MassHealth Adult Day Health Program." Therefore, pursuant to the regulation, [REDACTED] is to provide their own transportation. (Ex. 1; Testimony). [REDACTED] for Seniors is an adult day health provider. (Testimony). The evidence is clear that [REDACTED] provided appellant with transportation in the past. (Testimony; Ex. 2, p. 2). I do not credit the testimony of the [REDACTED] manager because, although she testified MassHealth was paying for transportation for appellant, she could not state when those payments ended and then testified that she "does not deal with the financial part of [REDACTED]." (Testimony). MassHealth was correct in denying the request for transportation, because consistent with the regulations, [REDACTED] is obligated to provide their own transportation. Therefore, 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.

Thomas Doyle
Hearing Officer
Board of Hearings

cc: [REDACTED]
[REDACTED]

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