

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2412169
Decision Date:	10/25/2024	Hearing Date:	09/05/2024
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:	10/25/2024	Hearing Date:	09/05/2024
MassHealth's Rep.:	Katina Dean	Appellant's Rep.:	██████
Hearing Location:	Remote (phone)	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 notice dated August 7, 2024, MassHealth denied appellant's prior authorization request for transportation services. (130 CMR 407.411; Ex. 1). Appellant filed this appeal in a timely manner on August 7, 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 pro se by phone. MassHealth was represented by a member of the Transportation Unit who also appeared by phone. The Transportation representative testified that

MassHealth received 2 requests for transportation, known as Prescription for Transportation (PT-1), on July 29, 2024, both requesting transportation to [REDACTED] (sic) in [REDACTED] [REDACTED] (Testimony; Ex. 4). The Transportation representative stated she reviewed appellant's fair hearing request form to see if she could determine which denial appellant was appealing. The Transportation representative offered both into evidence because she could not determine which PT-1 appellant was appealing. Both requests were denied on August 7, 2024, because MassHealth does not provide transportation to adult day health providers. (Testimony; Ex. 1; 130 CMR 407.411 (B) (2)). The Transportation representative stated MassHealth does not have a special contract with [REDACTED] (sic) to provide transportation. (Testimony).

Appellant stated she is sick and wants to try to be at the program. She stated she has so many doctor's appointments and she is back in rehab.

Findings of Fact

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

1. Appellant is a female in her late [REDACTED]. (Ex. 4).
2. MassHealth denied both of appellant's requests for transportation to Shapiro Rudolph Adhc (sic). (Ex. 1).
3. MassHealth does not have a special contract with Shapiro Rudolph Adhc (sic). (Testimony).

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). No

evidence was offered indicating a “special contract with MassHealth Adult Day Health Program,” (407.411 (B)(2)), therefore, pursuant to the regulation, Shapiro Rudolph Adhc is to provide their own transportation. (Testimony; Ex. 1). MassHealth was correct in denying the request for 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

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