

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2412209
Decision Date:	10/30/2024	Hearing Date:	09/05/2024
Hearing Officer:	Thomas Doyle	Record Open to:	

Appearance for Appellant:
Pro se

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:	10/30/2024	Hearing Date:	09/05/2024
MassHealth's Rep.:	Katina Dean	Appellant's Rep.:	Pro se
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 9, 2024, MassHealth denied appellant's prior authorization request for transportation services. (130 CMR 407.411; Ex. 1).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 a medical provider for eye treatment.

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 a medical provider for eye treatment where public transportation is available.

¹ The Transportation Unit representative testified the request was denied on July 30, 2024.

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 Unit representative stated MassHealth denied appellant's request for transportation because on the Prescription for Transportation (PT-1) appellant's medical provider wrote the reason appellant cannot use public transportation was "yearly eye care". (Testimony; Ex. 6). The Transportation representative stated this was not a sufficient reason for MassHealth to provide transportation.

Appellant stated he has Type 2 Diabetes. He has been seeing his doctor for years. He asked why he can no longer see his doctor. The Transportation representative stated he can see his doctor, but MassHealth will not provide transportation because appellant's doctor did not provide a sufficient reason why appellant cannot use public transportation.

Findings of Fact

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

1. Appellant is a male MassHealth member in his late 50's. (Ex. 5).
2. The appellant filed a PT-1 request for transportation services to a medical provider.
3. On the PT-1 form, the provider indicated "yearly eye care" in the space designated to explain why the member cannot use public transportation to get to the appointment.
- 4.. MassHealth denied appellant's request for transportation to his doctor for medical treatment because he did not explain why he cannot take public transportation. (Ex. 1; Ex. 6).

Analysis and Conclusions of Law

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). Moreover, "[p]roof by a preponderance of the evidence is the standard generally applicable to administrative proceedings." Craven v. State Ethics Comm'n, 390 Mass. 191, 200 (1983).

130 CMR 407.411: Transportation Utilization Requirements

(E) Nonemergency Community-based Transportation.

- (1) Members should use public or personal transportation resources, including family or friends, whenever possible.

(2) Subject to meeting the requirements of 130 CMR 407.000, the MassHealth agency pays transportation brokers or fee-for-service transportation providers to furnish transportation services to eligible MassHealth members only when public transportation is not available as determined in accordance with 130 CMR 407.411(E)(3).

(3) Public transportation is considered available if all of the following criteria are met.

(a) Public transportation is accessible and suitable to the member's medical condition and circumstances as determined by the MassHealth agency.

(b) Public transportation is operated in the member's locality on a regularly scheduled basis. A wait of up to one hour for a regularly scheduled ride and up to two transfers in transit is considered reasonable.

(c) The public transportation stop (i.e., bus or trolley stop, subway, or commuter rail station) is

1. within 0.75 mile from the member's residence or other authorized point of origin; and
2. within 0.75 mile from the destination address.

The burden is on appellant to show MassHealth's decision denying his request for transportation is invalid. The PT-1 filled out by appellant's provider asks for the reason appellant cannot use public transportation. The provider wrote "yearly eye care." I find this to be an insufficient reason why appellant cannot use public transportation. It is a reason for the request for transportation. Appellant also failed to make any argument that the criteria under 407.411 (E)(3) (a)(b) and (c) has not been met. Based on the record before me, appellant has not met his burden.

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