

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Approved and Dismissed	<b>Appeal Number:</b>	2413270
<b>Decision Date:</b>	10/4/2024	<b>Hearing Date:</b>	10/01/2024
<b>Hearing Officer:</b>	Amy B. Kullar, Esq.		

**Appearance for Appellant:**



**Appearance for MassHealth:**

Kelly Rayen, R.N., Optum



*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>	Approved and Dismissed	<b>Issue:</b>	Prior Authorization – Personal Care Attendant Services
<b>Decision Date:</b>	10/4/2024	<b>Hearing Date:</b>	10/01/2024
<b>MassHealth's Rep.:</b>	Kelly Rayen, R.N.	<b>Appellant's Rep.:</b>	██████
<b>Hearing Location:</b>	Quincy Harbor South 2	<b>Aid Pending:</b>	Yes

### Authority

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

### Jurisdiction/Summary of Evidence

Through a notice dated July 24, 2024, MassHealth modified the Appellant's prior authorization request for personal care attendant services. *See* 130 CMR 450.024(A), 130 CMR 422.410(A)(7), 130 CMR 422.410(B)(1) and Exhibit 1. The Appellant filed this appeal in a timely manner on August 23, 2024. *See* 130 CMR 610.015(B) and Exhibit 2. MassHealth's decision to restrict or modify a member's assistance is valid grounds for appeal. *See* 130 CMR 610.032.

The Appellant was represented by his mother, who is also his court-appointed Guardian, at the hearing. The Appellant-mother appeared telephonically and verified the Appellant's identity.

The MassHealth representative testified that the Appellant was re-evaluated for PCA services on July 1, 2024, and on July 24, 2024, his PCM agency, Stavros Center for Independent Living, requested 7 hours, 45 minutes per week for 46.14 school weeks, and 23 hours, 15 minutes per week for 6 vacation weeks for the service period of 9/8/2024-9/7/2025. This request was modified on July 24, 2024, to 3 hours, 45 minutes per week for 46.14 school weeks and 11 hours, 30 minutes per week for 6 vacation weeks for the service period of 9/8/2024-9/7/2025. Testimony, Exhibit 6.

MassHealth made modifications related to PCA assistance in seven categories: ADL Mobility/Transfers – vacation weeks; ADL Bathing – physical assist with washing hair – school and vacation weeks; ADL Grooming – other – school and vacation weeks; IADL Meal Preparation and Cleanup – school and vacation weeks; IADL Laundry – school and vacation weeks; IADL Housekeeping – school and vacation weeks; and IADL Shopping – school and vacation weeks. Testimony, Exhibit 6.

Based on the testimony and discussion at hearing, the Appellant-mother accepted MassHealth’s modifications for the categories of Mobility/Transfers, Bathing, Meal Preparation, Laundry, and Shopping, and MassHealth fully restored time as requested for Grooming – other to 10x1x2 school weeks, 10x1x7 vacation weeks for the service period 9/8/2024-9/7/2025.

Because the Appellant agreed with MassHealth’s modifications for the categories of Mobility/Transfers, Bathing, Meal Preparation, Laundry, and Shopping, and MassHealth fully restored the time as requested for Grooming – other, there are no longer any issues in dispute. Therefore, this appeal is dismissed (130 CMR 610.035(A)(8)).

## **Order for MassHealth**

Remove aid pending. Approve grooming (other) 10x1x2 school weeks, 10x1x7 vacation weeks for the service period 9/8/2024-9/7/2025.

## **Implementation of this Decision**

If this decision is not implemented within 30 days after the date of this decision, you should contact your MassHealth Enrollment Center. If you experience problems with the implementation of this decision, you should report this in writing to the Director of the Board of Hearings, at the address on the first page of this decision.

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Amy B. Kullar, Esq.  
Hearing Officer  
Board of Hearings

cc: [REDACTED]

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