

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Dismissed in part; Approved in part; Denied in part	Appeal Number:	2416474
Decision Date:	01/17/2025	Hearing Date:	11/26/2024
Hearing Officer:	Kimberly Scanlon		

Appearance for Appellant:




Appearance for MassHealth:

Robin Brown, OTR/L



*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:	Dismissed in part; Approved in part; Denied in part	Issue:	Prior Authorization – PCA Services
Decision Date:	01/17/2025	Hearing Date:	11/26/2024
MassHealth's Rep.:	Robin Brown, OTR/L	Appellant's Rep.:	
Hearing Location:	Quincy Harbor South 1 (Remote)	Aid Pending:	Yes

Authority

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

Jurisdiction

Through a notice dated October 11, 2024, MassHealth modified the appellant's prior authorization (PA) request for personal care attendant (PCA) services from the requested 108 hours and 30 minutes of PCA assistance per week to 76 hours and 45 minutes per week (Exhibit 1). The appellant filed this appeal in a timely manner on or about October 25, 2024 (130 CMR 610.015; Exhibit 2). Modification of a PA request is valid grounds for appeal (130 CMR 610.032).

Action Taken by MassHealth

MassHealth modified the appellant's PA request for PCA services.

Issue

The appeal issue is whether MassHealth was correct in modifying the appellant's PA request for PCA services.

Summary of Evidence

The MassHealth representative, who is a registered occupational therapist and clinical appeals reviewer, testified that the appellant is a female between the ages of 21 and 64 who lives independently and uses a power wheelchair that includes power tilt and recline features. Her primary medical diagnosis is cerebral palsy (Testimony, Exhibit 6, p. 7). The appellant was hospitalized in July of 2024; she is currently stable with no recent surgeries though she currently has pressure wounds. Currently, the appellant receives surrogate and case management services through Empower LGA (Testimony, Exhibit 6, p. 41). The MassHealth representative testified that Independence Associates Inc., a Personal Care Management (“PCM”) services agency submitted a PA re-evaluation request to MassHealth on the appellant’s behalf on October 1, 2024, seeking the following: 108 hours and 30 minutes of day/evening PCA assistance per week. The MassHealth representative testified that by notice dated October 11, 2024, MassHealth modified the requested time to the following: 76 hours and 45 minutes of day/evening PCA assistance per week. The time period for this PA request is November 27, 2024 through November 26, 2025 (Testimony, Exhibit 1, p. 2).

The appellant and her representatives appeared at the hearing telephonically. The appellant testified that she has an overactive bladder which results in her toileting more frequently. She explained that she needs at least 89 hours of PCA assistance each week.¹ The MassHealth representative responded and explained that each category is broken down in terms of the time it takes for each task to be completed.

The MassHealth representative stated that there were 8 modifications made. First, MassHealth modified the category of “Mobility” related to mechanical lift transfers from the requested time of 15 minutes, 8 times per day, 7 days per week to 10 minutes, 8 times per day, 7 days per week. MassHealth’s rationale for the modification is that the time requested for assistance for assistance with mobility/mechanical transfers is longer than ordinarily required for someone with her physical needs (Testimony, Exhibit 6, p. 11). In terms of the category of “Mobility”, the MassHealth representative explained that mobility is the time it takes to assist the appellant to get from point A to point B in the home (i.e. from the kitchen to the living room). Additionally, the PCA program does not cover prompting, guiding, or coaxing and the PCA is not compensated for “wait time.” While the documentation submitted states that the appellant requires maximum assistance in this category, MassHealth modified the requested time in this category because it is unclear from the documentation provided why the appellant requires 15 minutes to transfer 8 times per day and where she is transferring to and from 8 times per day.

The appellant stated that each time she transfers, she requires a Hoyer lift, and it takes some time

¹ The MassHealth representative testified at the hearing that the appellant has aid pending protection and is currently receiving 89 hours of PCA assistance per week because of this protection.

to get the lift properly in place before she can transfer. Further, the appellant's power wheelchair tilts and moves around so it can be difficult for her to safely transfer. The appellant's representatives stated that 10 minutes per transfer feels rushed because the appellant's muscles contract frequently and often she cannot move her arms to assist with being transferred. The appellant's representatives testified that because of this, the PCA takes her time transferring the appellant, rather than throwing her around like a rag doll. Further, the PCA must be careful that she does not hurt herself when assisting the appellant with transfers and to avoid injury to herself and to the appellant, she assists the appellant with transfers slowly and carefully.

The second modification made was in the "Toileting" category. MassHealth modified the requested time of 25 minutes, 5 times per day, 7 days per week for bladder care, to 10 minutes, 5 times per day, 7 days per week because the time requested for bladder care is longer than ordinarily required for someone with the appellant's physical needs (Testimony, Exhibit 6, p. 20). The MassHealth representative explained that the time requested for bladder does not include the time for transferring to and from the commode chair because transferring is under a separate category.

The appellant stated that she has an overactive bladder which her representative confirmed at the hearing. The appellant stated that because of her overactive bladder, she empties her bladder sometimes more than 5 times per day. On occasion she wets the bed if no one is available to change her overnight. The appellant's representatives stated that the appellant sought to have her time increased in this category to assist her with overnight PCA assistance.

The MassHealth representative explained that the PCA assistance for nighttime hours is not in dispute because MassHealth approved the appellant's request for PCA time overnight. The appellant requested 2 hours of PCA assistance overnight, each night, for a total of 14 hours per week, which MassHealth approved. She stated that MassHealth only modified the time requested for day/evening assistance in this category. The MassHealth representative asked why it takes 25 minutes for hands on PCA assistance with bladder care.

The appellant explained that the commode chair is not over her toilet, instead there is a bucket placed underneath her chair. The appellant's representatives stated that once the appellant is on the commode, it takes longer than 10 minutes for the PCA to change her pants and provide peri care if the appellant is already wet with urine. Once the appellant is on the commode chair, she will empty her bladder again and peri care is provided. If the appellant's wheelchair is also covered in urine, it must be cleaned because she cannot place the appellant back into her wheelchair if it is soaked in urine. The appellant's Hoyer lift pad must be changed as well before the appellant can be transferred from the commode chair to her wheelchair. The appellant's representatives explained that when the appellant is back in her wheelchair she needs to be dressed again with dry articles of clothing, Depends, and pads, and her commode chair is wiped down. They stated that the Hoyer lift pads have a hole in the center for bladder care, however, the pads do not align correctly for the appellant which often results in the pad becoming wet with urine.

The appellant stated that she empties her bladder more than 5 times per day and was recently diagnosed with diabetes which causes more frequent urination; the MassHealth representative explained that if there is a change in her health conditions, the appellant should contact her PCM agency and request an adjustment. The MassHealth representative stated that the appellant's PCM agency requested 5 episodes of bladder care per day and MassHealth cannot increase the episodes from what was requested by her PCM agency. However, the MassHealth representative can increase the minutes that were modified. For the appellant's bladder care, the MassHealth representative offered to increase the modification from 10 minutes to 16 minutes, 5 times per day, 7 days per week after hearing testimony. The appellant accepted, resolving this modification.

Under the same category of "Toileting" MassHealth also modified the requested time of 25 minutes, once per day, 7 days per week for bowel care, to 10 minutes, once per day, 7 days per week because the time requested for bowel care is longer than ordinarily required for someone with the appellant's physical needs. *Id.* The appellant's representatives stated that the appellant often has diarrhea and moves her bowels more frequently due to a change in medication; the MassHealth representative stated that the appellant should contact her PCM agency and request a temporary adjustment, noting that she cannot increase the episodes of bowel care from what was requested. Here, the appellant's PCM agency requested PCA assistance once per day for bowel care. The MassHealth representative stated that she can increase the minutes that were modified though and offered to increase the modification for bowel care from 10 minutes to 20 minutes, once per day, 7 days per week, based on the testimony provided. The appellant accepted, resolving this modification.

The next modification made was in the "Toileting-special transfer" category. MassHealth modified the requested time of 15 minutes, 6 times per day, 7 days per week to 10 minutes, 5 times per day, 7 days per week because the time requested for assistance with transferring the appellant from her wheelchair to the commode chair is longer than ordinarily required for someone with the appellant's physical needs (Testimony; Exhibit 6, p. 20). The MassHealth representative agreed to restore the requested 15 minutes, 6 times per day, 7 days per week in this category based on the testimony provided. This adjustment resolved this modification.

The next modification made was in the "Bathing" category. MassHealth modified the requested time of 60 minutes, once per day, 7 days per week for bathing, and an additional 15 minutes, once per day, 7 days per week for a quick wash (totaling 75 minutes per day) to 45 minutes, once per day, 7 days per week for bathing and 10 minutes, once per day, 7 days per week for a quick wash (totaling 55 minutes per day) because the time requested for bathing is longer than ordinarily required for someone with the appellant's physical needs (Testimony, Exhibit 6, p. 15). The MassHealth representative explained that this modification does not include the time for transferring the appellant onto the shower chair because that is under a separate area titled "Bathing-special transfer" and the time requested was approved. *Id.* She stated that MassHealth looks at the hands-on time for PCA assistance with washing the appellant's body once she

transfers into the shower. The appellant stated that historically MassHealth approved the requested time of 60 minutes for bathing her, even prior to COVID.

The next modification made was in the Grooming” (nail care) category. MassHealth modified the requested time of 3 minutes, once per day, 7 days per week to 3 minutes, once per week because the time requested for assistance for nail care is longer than ordinarily required for someone with the appellant’s physical needs (Testimony; Exhibit 6, p. 16). The MassHealth representative explained that most consumers do not have nail care performed every day. The appellant stated that she is very disappointed with MassHealth’s modifications. The appellant’s representatives stated that the appellant’s toenails must be trimmed and filed regularly due to her diabetic condition and typically this is performed 3-4 times per week. The MassHealth representative offered to increase the modification of nail care to 3 minutes, 4 days per week. The appellant accepted, resolving this modification.

The next modification made was in the “Meal Preparation” category. MassHealth modified the requested time of 20 minutes, once per day, 7 days per week for breakfast; 30 minutes, once per day, 7 days per week for lunch; 45 minutes, once per day, 7 days per week for dinner; and 15 minutes, once per day, 7 days per week for snacks, totaling 110 minutes per day to 90 minutes per day because the time requested for meal preparation is longer than ordinarily required for someone with the appellant’s physical needs (Testimony; Exhibit 6, p. 29).² The MassHealth representative stated that 90 minutes per day for meal preparation is the maximum amount of time that MassHealth will approve for consumers in this category. The appellant testified that she eats 3 meals per day, with snacks in between meals. Additionally, she takes medication at nighttime and occasionally requires an additional snack to assist her with swallowing her pills. The MassHealth representative explained that meal preparation does not include time that it takes the appellant to eat, rather it includes the time that it takes the PCA to prepare and cook the meals and snacks. She stated that she understands that the appellant is a diabetic and therefore must be more careful of the food that she consumes. However, a diet change typically does not affect the time that it takes the PCA to prepare meals for the appellant.

The last modification made was in the “PCA Paperwork” category. MassHealth denied the requested amount of 30 minutes per week for PCA assistance to fill out paperwork because the appellant has a surrogate available and responsible to complete the paperwork for her (Testimony, Exhibit 6, p. 32). The appellant’s representative stated that there was a surrogate change and with that change in surrogacy, the appellant now oversees the PCA paperwork that is completed on her behalf. Specifically, the appellant reviews, signs, and faxes PCA time sheets which takes 30 minutes to complete. The MassHealth representative testified that the appellant’s PCM agency noted a surrogacy change in its submission to MassHealth (See, Exhibit 6, p. 42). However, the appellant’s PCM agency did not indicate that the appellant manages any of her PCA paperwork (See, Exhibit 6, p. 47). The appellant stated that she disagrees with the modification made by MassHealth in this

² The MassHealth representative did not indicate whether this time was broken down for each meal.

category.

Findings of Fact

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

1. The appellant is a female MassHealth member between the ages of 21 and 64.
2. The appellant's primary medical diagnosis is cerebral palsy.
3. Independence Associates, Inc., a PCM agency, submitted a re-evaluation request to MassHealth on the appellant's behalf on October 1, 2024, seeking the following: 108 hours and 30 minutes of day/evening PCA assistance per week.
4. By notice dated October 11, 2024, MassHealth modified the requested PCA assistance time to: 76 hours and 45 minutes of day/evening PCA assistance per week.
5. The PA request at issue covers the time period of November 27, 2024 through November 26, 2025.
6. The appellant requested time for assistance with mobility/mechanical transfers, as follows: 15 minutes, 8 times per day, 7 days per week.
7. MassHealth modified the requested PCA assistance time for mobility/mechanical transfers to 10 minutes, 8 times per day, 7 days per week.
8. The appellant has difficulty transferring due to her wheelchair unsteadiness, muscle contractions and her inability to move her arms to assist with being transferred. The appellant's PCM agency noted that the appellant is a maximum assist and has recently developed pressure wounds.
9. The appellant requested time for assistance with bladder care, as follows: 25 minutes, 5 times per day, 7 days per week.
10. MassHealth modified the requested PCA assistance time for assisting with the appellant with bladder care to 10 minutes, 5 times per day, 7 days per week.
11. At the hearing, MassHealth offered to increase the time for assistance with this task to 16 minutes, 5 times per day, 7 days per week; this adjustment was accepted by the appellant and her representatives.

12. The appellant requested time for assistance with bowel care, as follows: 25 minutes, once per day, 7 days per week.
13. MassHealth modified the requested PCA assistance time for assisting with the appellant with bladder care to 10 minutes, once per day, 7 days per week.
14. At the hearing, MassHealth offered to increase the time for assistance with this task to 20 minutes, once per day, 7 days per week; this adjustment was accepted by the appellant and her representatives.
15. The appellant requested time for assistance with toileting-special transfer, as follows: 15 minutes, 6 times per day, 7 days per week.
16. MassHealth modified the requested PCA assistance time for assisting with the appellant with toileting-special transfer to 10 minutes, 5 times per day, 7 days per week.
17. At the hearing, MassHealth agreed to restore the 15 minutes, 6 times per day, 7 days per week of PCA assistance for toileting-special transfer.
18. The appellant requested time for assistance with bathing as follows: 60 minutes, once per day, 7 days per week, and an additional 15 minutes, once per day, 7 days per week for a quick wash (totaling 75 minutes per day).
19. MassHealth modified the requested PCA assistance time for assisting the appellant with bathing to 45 minutes, once per day, 7 days per week, and 10 minutes, once per day, 7 days per week for a quick wash (totaling 55 minutes per day).
20. The appellant was approved for 60 minutes per day for PCA assistance with bathing in prior years.
21. The appellant requested time for assistance with nail care, as follows: 3 minutes, once per day, 7 days per week.
22. MassHealth modified the requested time in this category to 3 minutes, once per week.
23. At the hearing, MassHealth offered to increase the time for assistance with this task to 3 minutes, 4 days per week; this adjustment was accepted by the appellant and her representatives.
24. The appellant requested time for assistance with meal preparation, as follows: 20 minutes, once per day, 7 days per week for breakfast; 30 minutes, once per day, 7 days per week for

lunch; 45 minutes, once per day, 7 days per week for dinner; and 15 minutes, once per day, 7 days per week for snacks, totaling 110 minutes per day.

25. MassHealth modified the requested time in this category to 90 minutes per day.
26. The appellant's nursing evaluation states that she is totally dependent for meal preparation.
27. The appellant lives in a household of 1.
28. The appellant was recently diagnosed with diabetes; on occasion she requires a snack at night to assist with taking her medication, and she snacks in between meals.
29. The appellant requested time for assistance with PCA paperwork, as follows: 30 minutes per week.
30. MassHealth denied the requested time in this category.
31. The appellant has a surrogate; there was a recent change in surrogacy.
32. The documentation submitted by the appellant's PCM agency does not indicate that the appellant manages the PCA paperwork.

Analysis and Conclusions of Law

MassHealth regulations regarding PCA services are found at 130 CMR 422.000 et seq. Regulation 130 CMR 422.402 defines a PCA as a person who is hired by the member or surrogate to provide PCA services, which are further defined as assistance with the activities of daily living (ADLs) and instrumental activities of daily living (IADLs) as described in 130 CMR 422.410.

Pursuant to 130 CMR 422.403(C), MassHealth covers PCA services when: (1) they are prescribed by a physician; (2) the member's disability is permanent or chronic in nature; (3) the member requires physical assistance with two or more of the following ADLs as defined in 130 CMR 422.410(A): (a) mobility including transfers; (b) medications; (c) bathing or grooming; (d) dressing or undressing; (e) range-of-motion exercises; (f) eating; and (g) toileting; and (4) MassHealth has determined that the PCA services are medically necessary and has granted a prior authorization for PCA services.

Activities of daily living are listed at 130 CMR 422.410(A) and include mobility, assistance with medications or other health-related needs, bathing/grooming, dressing and undressing, passive range-of-motion exercises, eating, and toileting (including bowel care and bladder care). MassHealth pays for PCA time in physically assisting members to perform the aforementioned activities of daily living.

Instrumental activities of daily living are those activities described in 130 CMR 422.410(B) that are instrumental to the care of the member's health and are performed by a PCA, such as meal preparation and clean-up, housekeeping, laundry, shopping, maintenance of medical equipment, transportation to medical providers, and completion of paperwork required for the member to receive personal care services. MassHealth pays for PCA time in physically assisting members to perform the instrumental activities of daily living (130 CMR 422.402).

Pursuant to 130 CMR 422.410(C), in determining the number of hours of physical assistance that a member requires under 130 CMR 422.410(B) for IADLs, the personal care agency must assume the following.

- (1) When a member is living with family members, the family members will provide assistance with most IADLs. For example, routine laundry, housekeeping, shopping, and meal preparation and clean-up should include those needs of the member.
- (2) When a member is living with one or more other members who are authorized for MassHealth personal care services, PCA time for homemaking tasks (such as shopping, housekeeping, laundry, and meal preparation and clean-up) must be calculated on a shared basis.
- (3) The MassHealth agency will consider individual circumstances when determining the number of hours of physical assistance that a member requires for IADLs.

Further, pursuant to 130 CMR 422.412, "Non-Covered Services:"

MassHealth does not cover any of the following as part of the PCA program or the transitional living program:

- (A) social services including, but not limited to, babysitting, respite care, vocational rehabilitation, sheltered workshop, educational services, recreational services, advocacy, and liaison services with other agencies;
- (B) medical services available from other MassHealth providers, such as physician, pharmacy, or community health center services;
- (C) assistance provided in the form of cueing, prompting, supervision, guiding, or coaching;
- (D) PCA services provided to a member while the member is a resident of a nursing facility or other inpatient facility, or a resident of a provider-operated residential facility subject to state licensure, such as a group home
- (E) PCA services provided to a member during the time a member is participating in a community program funded by MassHealth including, but not limited to, day habilitation, adult day health, adult foster care, or group adult foster care;
- (F) services provided by family members, as defined in 130 CMR 422.402;

- (G) surrogates, as defined in 130 CMR 422.402; or
- (H) PCA services provided to a member without the use of EVV as required by the MassHealth agency.

Pursuant to 130 CMR 450.204(A), MassHealth will not pay a provider for services that are not medically necessary; and may impose sanctions on a provider for providing or prescribing a service or for admitting a member to an inpatient facility where such service or admission is not medically necessary. A service is "medically necessary" if:

- (1) it is reasonably calculated to prevent, diagnose, prevent the worsening of, alleviate, correct, or cure conditions in the member that endanger life, cause suffering or pain, cause physical deformity or malfunction, threaten to cause or to aggravate a handicap, or result in illness or infirmity; and
- (2) there is no other medical service or site of service, comparable in effect, available, and suitable for the member requesting the service, that is more conservative or less costly to MassHealth. Services that are less costly to MassHealth include, but are not limited to, health care reasonably known by the provider, or identified by MassHealth pursuant to a prior authorization request, to be available to the member through sources described in 130 CMR 450.317(C), 503.007, or 517.007.

At issue in this appeal were modifications of time requested for PCA assistance for the appellant with the following ADLs: mobility/mechanical transfers, bathing, grooming (nail care), toileting (bowel care and bladder care), toileting-special transfers, meal preparation, and PCA paperwork assistance.

At the hearing, MassHealth agreed to authorize the following amounts of PCA assistance:

Grooming (nail care): 3 minutes once per day, 4 days per week;

Toileting (bladder care): 16 minutes, 5 times per day, 7 days per week;

Toileting (bowel care): 20 minutes, once per day, 7 days per week;

Toileting/Special Transfers: 16 minutes, 6 times per day, 7 days per week.

The appellant and her representatives agreed to these amounts of PCA assistance. Therefore, these portions of the appeal are DISMISSED.

Mobility/Mechanical transfers

The appellant requested 15 minutes of assistance, 8 times per day, 7 days per week. MassHealth modified the request to 10 minutes, 8 times per day, 7 days per week. MassHealth modified the request on the basis that the time requested for mechanical transfers is longer than ordinarily required for someone with the appellant's physical needs. The appellant, however, requires maximum assistance, as noted by her PCM agency. Further, the MassHealth representative stated that the appellant's PCM agency documented that the appellant recently developed pressure wounds, and therefore it is reasonable to conclude that the appellant must be transferred safely and often to prevent further skin breakdown. For this reason, and considering the appellant's muscle contractions, her wheelchair unsteadiness, and her inability to assist with transferring, I conclude that in this circumstance, the time requested is appropriate for the appellant because of her physical needs. MassHealth's PCA program specifically includes assistance with mobility transfers as a covered task, and in this instance, the appellant has demonstrated that the requested amount of 15 minutes of assistance with this task, 8 times per day, each day, is warranted. This portion of the appeal is APPROVED.

Bathing

The appellant requested 60 minutes of assistance each day, 7 days per week for bathing, and an additional 15 minutes of assistance, each day, 7 days per week for a quick wash (totaling 75 minutes per day). MassHealth modified the request to 45 minutes of assistance each day, 7 days per week, for bathing and 10 minutes of assistance, each day, 7 days per week for a quick wash (totaling 55 minutes per day). The appellant argued that historically MassHealth approved her for 60 minutes each day for PCA assistance with bathing. While this testimony is certainly credible, it does not support the argument that the appellant currently requires more than 45 minutes of PCA assistance to complete the task of bathing and 10 minutes for a quick wash each day. The appellant did not provide any specific testimony or other evidence to support the need for 75 minutes of daily PCA assistance to take care of her bathing and washing needs, and transfers related to this task were approved separately. The record does not support the appellant's position, and MassHealth has provided adequate support for its determination here. This portion of the appeal is DENIED.

Meal Preparation

The appellant requested 110 minutes of assistance each day for meal preparation, broken down as follows: 20 minutes for breakfast, 30 minutes for lunch, 45 minutes for dinner and 15 minutes for snacks. MassHealth modified the request to 90 minutes of assistance each day for meal preparation on the basis that this is the maximum amount of time allowed for assistance with this task. However, according to the “Time-For-Tasks Guidelines for the MassHealth PCA Program” (11-16-11 page 12 of 14) time for assistance with physically assisting a member to prepare meals (excluding G-tube feeds) and clean-up of meal, including set up, is as follows: Breakfast – 20 minutes, Lunch-30 minutes, Dinner-45 minutes, and Snack-5 minutes per occasion. The appellant’s request falls within the range of time contemplated by these guidelines. According to the guidelines the following is taken into consideration for meal preparation: functional ability, severity of symptoms, member’s level of participation, level of physical assistance needed, special dietary needs, preparation time for more than one meal, availability of family members in the member’s household, etc. *Id.* Here, the Nurse’s evaluation indicates that the appellant is totally dependent for assistance with meal preparation. Further, the appellant was recently diagnosed with diabetes and lives in a household of 1. As to snacks, the appellant testified that she has snacks in between meals and occasionally at night. On this record, the appellant has demonstrated that 110 minutes per day for assistance with meal preparation and medically necessary. This portion of the appeal is APPROVED.

PCA Paperwork

The appellant requested 30 minutes per week for assistance with filling out PCA paperwork. MassHealth denied this request in full because the appellant has a surrogate who is responsible for completing this paperwork for her. The appellant’s representatives argued that the appellant recently has a change in her surrogacy and with that change, she overlooks the PCA paperwork that is completed on her behalf including: reviewing, signing and faxing PCA time sheets. While this testimony is certainly credible, the written record does not document that the appellant manages any of the PCA paperwork. Rather, the appellant’s PCM agency’s submission only notes that there was a surrogacy change. The appellant has not sufficiently demonstrated that MassHealth made its determination here in error, and this portion of the appeal is DENIED.

Order for MassHealth

For the PA period for dates of service November 27, 2024 through November 26, 2025: (1) approve the appellant’s request in full for the following: grooming (nail care) at 3 minutes per day, 4 days per week; toileting (bladder care) at 16 minutes, 5 times per day, 7 days per week; toileting (bowel care) at 20 minutes, once per day, 7 days per week; and toileting (special transfers) at 15 minutes, 6 times per day, 7 days per week, as agreed to at the hearing; 2) increase time for mobility/mechanical transfers to 15 minutes, 8 times per day, 7 days per week, and meal

preparation to 110 minutes per day; (3) notify the appellant of updated authorized PCA hours accordingly; and (4) remove aid pending.

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.

Implementation of this Decision

If this decision is not implemented 30 days after the date of this decision, you should contact Optum. 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.

Kimberly Scanlon
Hearing Officer
Board of Hearings

[REDACTED]

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