

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Approved	Appeal Number:	2416929
Decision Date:	01/17/2025	Hearing Date:	12/05/2024
Hearing Officer:	Marc Tonaszuck		

Appearance for Appellant:



Appearance for MassHealth:

Katina Dean, Transportation



*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:	Approved	Issue:	Transportation
Decision Date:	01/17/2025	Hearing Date:	12/05/2024
MassHealth's Rep.:	Katina Dean, Transportation	Appellant's Rep.:	[REDACTED]
Hearing Location:	Charlestown MassHealth Enrollment Center	Aid Pending:	No

Authority

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

Jurisdiction

Through a notice dated 08/13/2024, MassHealth denied the appellant's request for transportation services to [REDACTED] because the destination is within walking distance from the appellant's home and there is no medical rationale provided to show why the appellant requires transportation (Exhibit 1). The appellant filed this appeal with the Board of Hearings in a timely manner on 11/05/2024 (130 CMR 610.015(B); Exhibit 2). Individual MassHealth agency determinations regarding scope and amount of assistance (including, but not limited to, level-of-care determinations) are grounds for appeal (130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied the appellant's request for transportation to [REDACTED]

Issue

Was MassHealth correct in denying the appellant's request for transportation services to Alexandra Stillman, Beth Israel Deaconess Medical Center, 330 Brookline Avenue, Boston, MA?

Summary of Evidence

A representative from MassHealth's Transportation Unit testified that on 08/13/2024, MassHealth received a request for transportation (PT-1) from the appellant's provider requesting transportation from her home to [REDACTED] (destination). The request was for four visits per month for 12 months.

The destination address is within 0.75 miles from the appellant's home. The PT-1 includes a field that states, "[p]rovide a medical reason why the member (or guardian if accompanying a minor) is unable to use public transportation to a medical service that is within 0.75 miles of the member's home or other MassHealth agency." There is no response on the PT-1 to the requested information in that field. As a result, On 08/13/2024 MassHealth denied the PT-1 (Exhibits 1 and 4).

The appellant appeared at the fair hearing and was assisted by her friend. The friend testified that the appellant is not able to walk to the destination because she is in her [REDACTED] and uses a walker to ambulate. The appellant submitted a letter dated 11/15/2024 from her physician verifying this information (Exhibit 5).

The MassHealth representative testified that the appellant's provider needs to submit a new PT-1 with the field completed, showing she is unable to walk to the destination.

Findings of Fact

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

1. The appellant is a MassHealth member, who resides in [REDACTED] (Testimony; Exhibit 4).
2. In August 2024, the appellant's provider submitted a request for transportation services (PT-1) from her home to [REDACTED] ("destination"). The request was for four visits per month for 12 months (Testimony; Exhibits 1, 2 and 4).
3. The destination listed on the PT-1 is within 0.75 miles from the appellant's home (Testimony).

4. On 08/13/2024, MassHealth denied the PT-1 because there is no justification on the form showing why the appellant is not able to walk to the destination (Testimony; Exhibits 1 and 4).
5. The appellant submitted a letter from her physician that states she requires transportation from her home to the destination because she is in her '80's and she uses a walker to ambulate (Testimony; Exhibit 5).

Analysis and Conclusions of Law

Under 130 CMR 450.204, the MassHealth agency 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 the MassHealth agency. Services that are less costly to the MassHealth agency include, but are not limited to, health care reasonably known by the provider, or identified by the MassHealth agency 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. 130 CMR 450.204(A)

The appellant has the burden "to demonstrate the invalidity of the administrative determination." See *Andrews vs. Division of Medical Assistance*, 68 Mass. App. Ct. 228. Moreover, the burden is on the appealing party to demonstrate the invalidity of the administrative determination. See *Fisch v. Board of Registration in Med.*, 437 Mass. 128, 131 (2002); *Faith Assembly of God of S. Dennis & Hyannis, Inc. v. State Bldg. Code Commn.*, 11 Mass. App. Ct. 333, 334 (1981); *Haverhill Mun. Hosp. v. Commissioner of the Div. of Med. Assistance*, 45 Mass. App. Ct. 386, 390 (1998).

On 05/30/2018, the appellant's provider submitted a PT-1 to a destination that is within 0.75 miles from her home. There was no rationale written on the PT-1 showing why the appellant cannot walk to the destination. As a result, on 08/13/2024, MassHealth denied the PT-1. The appellant appealed to the Board of Hearings.

Prior to the date of the fair hearing, the appellant submitted a letter from her physician that states that because the appellant is in her '80's and uses a walker to ambulate, she needs transportation to the destination. At the fair hearing, the MassHealth transportation representative refused to accept the letter and refused to reverse MassHealth's decision based on the information in the letter.

Because the appellant timely appealed the denial of her PT-1 dated 08/13/2024, and prior to the date of the fair hearing¹, she submitted evidence supporting her request that addresses the issue upon which MassHealth based its denial, this appeal is therefore approved.

Order for MassHealth

Rescind 08/13/2024 denial and approve PT-1.

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, Division of Medical Assistance, at the address on the first page of this decision.

Marc Tonaszuck
Hearing Officer
Board of Hearings

cc:

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

¹ See 130 CMR 610.071.