

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2419641
Decision Date:	04/04/2025	Hearing Date:	February 14, 2025
Hearing Officer:	Stanley Kallianidis		

Appellant Representative:



CCA Representatives:

Jeremiah Mancuso RN, Appeals Clinical Manager, Cassandra Horne RN, Appeals and Grievances Supervisor



*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:	Prior Authorization – Personal Care Attendant Services
Decision Date:	04/04/2025	Hearing Date:	February 14, 2025
CCA Reps.:	Jeremiah Mancuso, RN, Cassandra Horne, RN	Appellant Rep.:	Pro se
Hearing Location:	Telephonic	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

The appellant received a Denial of Level 1 Appeal from Commonwealth Care Alliance (CCA)¹ dated December 11, 2024, reducing her request for Personal Care Attendant (PCA) Services (Exhibit 1). The appellant appealed the action in a timely manner on December 24, 2024 (130 CMR 610.015(B); Exhibit 2). A dispute over a request for prior authorization is valid grounds for appeal (130 CMR 610.032). Notice of the hearing was sent to the parties on January 21, 2025 (Exhibit 4).

Action Taken by CCA

CCA reduced the appellant's prior authorization request for 32.75 day/evening PCA hours per week to 17 day/evening hours per week.

Issue

Was CCA correct in modifying the appellant's prior authorization request?

¹ Commonwealth Care Alliance is a MassHealth managed care contractor as defined by regulations at 130 CMR 610.004 and described in regulations at 130 CMR 508.000.

Summary of Evidence

A representative from CCA testified that the appellant appealed a Denial of Level 1 Appeal from CCA dated October 16, 2024, which reduced her request of 32.75 hours for PCA Services to 16.75 hours weekly. The PCA hours were subsequently increased to 17 hours weekly due to the discovery of a math error (Exhibits 1, 2 & 5).

CCA indicated the appellant has a medical history of chronic heart failure, pericarditis, depression, pancreatitis, and vision loss in her left eye. The PCA evaluation was performed by a registered nurse with the appellant's provider agency, Stavros Center for Independent Living, on August 14, 2024. Based upon the results of that evaluation, it was determined that the appellant is independent with mobility, transfers, and toileting (Exhibit 5).

The appellant's PCA hours were modified in the following areas: The appellant's request for 90 minutes for laundry each week was modified to 45 minutes. The appellant's request for a PM wash for 10 minutes once per day, seven days per week was denied. The appellant's request for two hours daily for seven days for a nighttime attendant was also denied (Exhibit 5).

At the hearing, the appellant agreed to the laundry modification for the PCA to assist for 45 minutes. This left the denial of the PM wash and nighttime attendant as outstanding disputes. The CCA representative testified that the PM wash time was denied because there is no documentation in the appellant's medical records that she is incontinent or that she has any chronic conditions related to excessive perspiration. The CCA representative noted that the appellant receives 15 minutes daily of PCA assistance with bathing. The appellant's request for a nighttime attendant was denied because she is independent with mobility, transfers and toileting. The CCA representative noted that the appellant does not receive any daily PCA time for toileting (Exhibit 5).

The appellant testified that she has incontinence, night sweats, and panic attacks. She stated that she cannot use the bathroom on her own at night because the lighting is very bad in her apartment. She also stated that she needs the PCA at night because she has difficulty sleeping and the PCA keeps her company and talks to her.

Findings of Fact

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

1. The appellant appealed a Denial of Level 1 Appeal from CCA dated October 16, 2024, which reduced her request of 32.75 hours of PCA Services to 16.75 hours weekly, subsequently increased to 17 hours weekly due to the discovery of a math error (Exhibits 1, 2 & 5).

2. The PCA evaluation was performed by a registered nurse with the appellant's provider agency, Stavros Center for Independent Living, on August 14, 2024 (Exhibit 5).
3. The appellant has a medical history of chronic heart failure, pericarditis, depression, pancreatitis, and vision loss in her left eye (Exhibit 5).
4. The appellant's PCA hours were modified in the following areas: The appellant's request for 90 minutes for laundry each week was modified to 45 minutes. The appellant's request for a PM wash for 10 minutes once per day, seven days per weeks was denied. The appellant's request for two hours daily for seven days for a nighttime attendant was also denied (Exhibit 5).
5. At the hearing, the appellant agreed to the laundry modification for the PCA to assist for 45 minutes (testimony).
6. Based upon the results of the August evaluation, it was determined that the appellant is independent with mobility, transfers, and toileting (Exhibit 5).
7. The appellant's request daytime bathing assistance was approved as requested (Exhibit 5).
8. The appellant does not receive any daily PCA time for toileting (Exhibit 5).
9. There is no documentation in the appellant's medical records that she is incontinent or that she has any chronic conditions related to excessive perspiration (Exhibit 5).

Analysis and Conclusions of Law

CCA is a MassHealth managed care contractor as defined by regulations at 130 CMR 610.004 and described in regulations at 130 CMR 508.000. The appellant is a member of the CCA, who submitted a request for prior authorization from her provider for PCA services. This request was reduced by CCA on the basis that certain services were not medically necessary.

The Commonwealth Care Alliance Support Tool for PCA services states that a member must have a permanent or chronic disability that prevents the member from completing at least two activities of Daily Living (ADL's) without physical assistance. These activities include mobility, bathing/grooming, dressing/undressing, range of motion exercises, eating/feeding, toileting or medication MassHealth will authorize PCA services for members who can be appropriately cared for in the home (130 CMR 422.401 et seq.).

Pursuant to 130 CMR 422.403(C), MassHealth covers personal care services provided to eligible MassHealth members who can be appropriately cared for in the home when all of the following conditions are met:

(1) The personal care services are prescribed by a physician or a nurse practitioner who is responsible for the oversight of the member's health care.

(2) The member's disability is permanent or chronic in nature and impairs the member's functional ability to perform ADLs and IADLs without physical assistance.

(3) The member, as determined by the PCM agency, 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/grooming;
- (d) dressing or undressing;
- (e) range-of-motion exercises;
- (f) eating; and
- (g) toileting.

The personal care agency determines the extent of the personal care services provided by a paid PCA (130 CMR 422.403). Personal care services consist of physical assistance with activities of daily living (ADL'S) (130 CMR 422.410(A)). 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 determine if they are medically necessary.

(A) A service is "medically necessary" if:

- (1) it is reasonably calculated to prevent, diagnose, prevent 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. Services that are less costly to the MassHealth include, but are not limited to, health care reasonably known by the provider or identified by the 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. See 130 CMR 450.204.

In the instant case, CCA approved, or the appellant agreed, to the time requested for assistance with all activities except for time requested for PM wash and a nighttime attendant due to incontinence. Although the appellant argues that she has nighttime sweating and incontinence, there is no medical documentation in the appellant's medical records to support this claim. Moreover, the appellant's daytime shower request was approved in full, and there was no request for PCA time for bowel and/or bladder care in the daytime because the appellant is independent with mobility, transfers, and toileting.

The appellant further argues that a nighttime attendant is medically necessary for her because the lighting is poor in her apartment and because her PCA keeps her company. However, neither of these reasons support the approval of a nighttime attendant, as they do not demonstrate a medical need for hands-on care at night.

Accordingly, CCA's modification of the appellant's PCA time from 32.75 hours weekly to 17 hours weekly is upheld and the appeal is denied.

Order for CCA

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.

Stanley Kallianidis
Hearing Officer
Board of Hearings

cc:

CCA representative: Commonwealth Care Alliance