

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Dismissed in part; Denied in part; Approved in part	<b>Appeal Number:</b>	2502184
<b>Decision Date:</b>	5/29/2025	<b>Hearing Date:</b>	03/12/2025
<b>Hearing Officer:</b>	Kimberly Scanlon	<b>Record Open to:</b>	03/26/2025

**Appearance for Appellant:**



**Appearance for MassHealth:**

Kelly Rayen, R.N.



*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>	Dismissed in part; Denied in part; Approved in part	<b>Issue:</b>	Prior Authorization- PCA Services
<b>Decision Date:</b>	5/29/2025	<b>Hearing Date:</b>	03/12/2025
<b>MassHealth's Rep.:</b>	Kelly Rayen, R.N.	<b>Appellant's Rep.:</b>	Mother
<b>Hearing Location:</b>	Quincy Harbor South 1 (Remote)	<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

Through a notice dated January 21, 2025, MassHealth modified the appellant's prior authorization (PA) request for personal care attendant (PCA) services from the requested 17 hours and 30 minutes of PCA assistance per week for 40.12 school weeks, and 19 hours and 0 minutes of PCA assistance per week for 12 vacation weeks, to 10 hours and 30 minutes per week for 40.12 school weeks and 11 hours and 45 minutes per week for 12 vacation weeks (Exhibit 1). The appellant filed this appeal in a timely manner on or about February 4, 2025 (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 nurse and clinical appeals reviewer, testified that the appellant is a [REDACTED]. His primary medical diagnosis includes autism (Exhibit 5, p. 8). The MassHealth representative testified that [REDACTED] services agency submitted a PA re-evaluation request to MassHealth on the appellant's behalf on January 14, 2025, seeking the following:

1. 17 hours, 30 minutes of day/evening PCA assistance per week, for 40.12 school weeks, and,
2. 19 hours, 0 minutes of day/evening PCA assistance per week, for 12 vacation weeks.

The MassHealth representative testified that by notice dated January 21, 2025, MassHealth modified the requested time to the following:

1. 10 hours, 30 minutes of day/evening PCA assistance per week, for 40.12 school weeks, and,
2. 11 hours, 45 minutes of day/evening PCA assistance per week, for 12 vacation weeks.

The time period for this PA request is February 18, 2025 through February 17, 2026 (Exhibit 1, p. 3).

The MassHealth representative stated that there were 10 modifications made. First, MassHealth modified the category of "Mobility," (on and off a school bus) from the requested amount of 5 minutes, 2 times per day, 5 days per week for 40.12 school weeks to 0 minutes. MassHealth's rationale for the modification is that the documentation submitted on behalf of the appellant indicates that the services requested are services that are provided by the parent of a minor child. The documentation that was submitted on behalf of the appellant states that the PCA assists the consumer on and off bus 5 days a week for school and [the] consumer does not have safety awareness, child elopes. (Testimony, Exhibit 5, p. 13). The appellant was assessed by the PCM agency as "independent" as a pediatric consumer and does not appear to require the use of any assistive devices. (Exhibit 5, p. 12). The MassHealth representative stated that assistance with mobility (on and off a school bus) is a parental responsibility in accordance with the pertinent regulations. She explained that a [REDACTED] child would not be expected to perform this task without a parent present.

The appellant was represented by his mother at the hearing. His mother testified that she lives on a busy main street, where accidents occur frequently. She explained that this is the reason for her request for PCA assistance in this category because the appellant elopes and could get struck by a vehicle. She stated that while she understands that this is parental responsibility, unfortunately

she lives on a street with a high volume of traffic. The appellant's mother stated that the appellant is autistic and has Attention Deficit Hyperactive Disorder (ADHD). She explained that it could take seconds, not minutes, for the appellant to run into the street given his diagnoses.

The second modification made was in the "Grooming" (nail care) category. MassHealth modified the requested amount of 10 minutes per week to 0 minutes per week for both school and vacation weeks. MassHealth's rationale for the modification is that the documentation submitted on behalf of the appellant indicates that the services requested are services that are provided by the parent of a minor child. (Testimony; Exhibit 5, p. 17). The appellant's mother testified that she would clip the appellant's nails, however, due to his medical diagnoses, it is difficult to perform this task. She explained that she needs someone to hold the appellant while she clips his nails. The MassHealth representative stated that PCAs are not allowed to restrain a child. The appellant's mother responded and stated that PCAs are allowed to clip nails though and therefore she can restrain him while the PCA clips his nails. She explained that she must restrain the appellant when he has his hair cut as well, due to his medical diagnoses. The MassHealth representative asked if the appellant is in an Applied Behavior Analysis (ABA) program. The appellant's mother responded affirmatively. She stated that she had to fight with her insurance company to have the ABA program approved. Next, the MassHealth representative asked how long it takes the PCA to clip the appellant's nails while his mother restrains him. The appellant's mother explained that it takes approximately 10-15 minutes to complete this task because he has sensory issues. The MassHealth representative testified that she would be willing to offer 5 minutes per week. The appellant's mother declined the offer, stating that it takes longer than 5 minutes to clip the appellant's nails.

The third modification made was in the "Grooming" (other) category. MassHealth modified the requested amount of 5 minutes per week to 0 minutes per week for both school and vacation weeks. *Id.* MassHealth's rationale for the modification in this category is that the documentation submitted on behalf of the appellant indicates that the requested services in this category do not meet the professionally recognized standards of health care and are services that are provided by the parent of a minor child. The MassHealth representative stated that the documentation submitted indicates that the services requested in this category are for lotion, skin checks, and ear checks. *Id.* The MassHealth representative stated that this documentation does not support the fact that it is medically necessary for PCA assistance in this category. She further stated that skin checks and ear checks are outside of the scope of the PCA program. The appellant's mother stated that similar to cutting the appellant's nails, he must be restrained to have his ears cleaned. She explained that MassHealth only has the appellant's diagnosis of autism on file and that she has additional documentation indicating that the appellant was also diagnosed with ADHD. The MassHealth representative stated that typically, ears are self-cleaned unless there is evidence of excessive wax buildup. She explained that if there is evidence of wax buildup, a pediatrician would recommend a wax removal kit and that removing wax is a parental responsibility. The appellant's mother asked if the PCA could assist her with removing wax from the appellant's ears. She explained that because of the appellant's sensory issues, grooming is difficult to perform without the PCA assisting her. The MassHealth representative asked if the appellant's pediatrician

recommended wax removal kits, or whether there is an ear regimen in place. The appellant's mother explained that having the appellant's ears cleaned is tough for him and his pediatrician knows that. The MassHealth representative asked if the appellant's mother received documentation from the appellant's pediatrician to support that it was medically necessary for PCA assistance to clean and remove wax from the appellant's ears. The appellant's mother stated that she could obtain the documentation from the appellant's pediatrician.

The fourth modification made was in the "Dressing" category. MassHealth modified the requested time of 15 minutes, once per day, 7 days per week, to 7 minutes, once per day, 7 days per week for school and vacation weeks because the time requested for dressing is longer than ordinarily required for someone with the appellant's physical needs (Testimony; Exhibit 5, p. 19). The documentation submitted by the PCM agency states that the appellant can be resistant to care and that he is totally dependent on PCA assistance in this category *Id.* The MassHealth representative stated that a parent would be the second person present to assist the PCA with dressing the appellant. The appellant's mother asked if MassHealth made this modification based solely on his diagnosis of autism. The MassHealth representative explained that MassHealth made this modification based on the documentation that was submitted on behalf of the appellant and how long it would reasonably take for PCA assistance to dress the appellant. The appellant's mother stated that MassHealth did not factor in the appellant's ADHD diagnosis when making this modification. The MassHealth representative asked how long it takes for the PCA to assist with dressing the appellant. The appellant's mother stated that she must begin dressing the appellant an hour beforehand because he runs around during this task. She added that it takes the PCA approximately 25-30 minutes to assist with dressing the appellant. She explained that the appellant has gastrointestinal issues and as a result will soil himself, which requires his clothing to be changed several times per day. The MassHealth representative stated that waiting time is not a covered service. The appellant's mother stated that because the appellant attends school now, additional time is needed to address him appropriately before the school bus arrives to pick him up.

The fifth modification made was in the "Undressing" category. MassHealth modified the requested time of 10 minutes, once per day, 7 days per week, to 5 minutes, once per day, 7 days per week for school and vacation weeks because the time requested for undressing is longer than ordinarily required for someone with the appellant's physical needs. *Id.* The documentation submitted by the PCM agency states that the appellant can be resistant to care. *Id.* The appellant's mother agreed with MassHealth's modification made in this category (undressing), thereby resolving this modification.

The sixth modification made was in the "Eating" category. MassHealth modified the requested amount of 15 minutes, 2 times per day, 5 days per week and 15 minutes, 3 times per day, 2 days per week (Saturday and Sunday) for 40.12 school weeks, and 15 minutes, 3 times per day, 7 days per week for 12 vacation weeks, to 5 minutes, once per day, 5 days per week (for breakfast) and 5 minutes, once per day, 2 days per week (for lunch on Saturday and Sunday) and 10 minutes, once

per day, 7 days per week (for dinner) for 40.12 school weeks and 5 minutes, once per day, 7 days per week (for breakfast and lunch) and 10 minutes, once per day, 7 days per week (for dinner) for 12 vacation weeks. MassHealth's rationale for the modification is that the time requested for assistance with eating is longer than ordinarily required for someone with his physical needs. (Testimony, Exhibit 5, p. 20). The documentation submitted on behalf of the appellant indicates that the appellant can only feed himself finger foods. *Id.* The appellant's mother stated that the appellant does not always eat finger foods though. As an example, she stated that the appellant also eats rice and chicken, which requires additional time for the PCA to assist in this category. The MassHealth representative stated that while some consumers eat slowly or are picky about eating certain foods, the PCA program is a time for task hands-on-assist program and therefore only covers the amount of time it takes the PCA to assist the appellant with eating. She stated that the appellant can participate to some degree with eating. The appellant's mother asked for clarification on whether a PCA could potentially sit with a consumer for an hour while waiting for the consumer to finish chewing and swallowing food and would only be paid for the time it took the PCA to place food onto a fork or spoon. The MassHealth representative clarified that the PCA program is a hands-on-assist program and wait time for the consumer to finish chewing and swallowing food is not covered under the PCA program. The appellant's mother stated that it does not make sense to her because the appellant runs around while the PCA puts food on a fork or spoon.

The seventh modification made was in the "Toileting (bladder care)" category. MassHealth modified the requested amount of 6 minutes, 4 times per day, 5 days per week and 6 minutes, 6 times per day, 2 days per week for 40.12 school weeks, and 6 minutes, 6 times per day, 7 days per week for 12 vacation weeks, to 5 minutes, 4 times per day, 5 days per week and 5 minutes, 6 times per day, 2 days per week for 40.12 school weeks and 5 minutes, 6 times per day, 7 days per week for 12 vacation weeks. MassHealth's rationale for the modification is that the time requested for assistance with toileting (bladder care) is longer than ordinarily required for someone with his physical needs. (Testimony, Exhibit 5, p. 21). The documentation submitted on behalf of the appellant indicates that the PCA assists with clothing management, hygiene, changing absorbent products, hand washing, and multiple changes throughout the day due to bowel incontinence to maintain skin integrity and prevent skin breakdown. *Id.* The appellant's mother asked if the modification made by MassHealth for the appellant's bladder care included the modification made by MassHealth for the appellant's bowel care. The MassHealth representative confirmed that the modification made by MassHealth for the appellant's bowel care was under a separate category. The appellant's mother agreed with MassHealth's modification made in this category (bladder care), thereby resolving this modification.

The eighth modification made was in the "Toileting (bowel care)" category. MassHealth modified the requested amount of 10 minutes, once per day, 7 days per week to 7 minutes, once per day, 7 days per week for both school and vacation weeks. MassHealth's rationale for the modification is that the time requested for assistance with toileting (bowel care) is longer than ordinarily required for someone with his physical needs. *Id.* The documentation submitted on behalf of the appellant

indicates that the PCA assists with clothing management, hygiene, changing absorbent products, hand washing, and multiple changes throughout the day due to bowel incontinence to maintain skin integrity and prevent skin breakdown. *Id.* The appellant's mother stated that the appellant has gastrointestinal issues, which results in him soiling himself. She added that the appellant is seeing a specialist because of his gastrointestinal issues, and that the appellant's ADHD medication contributes to these issues. The MassHealth representative agreed to restore the requested 10 minutes, once per day, 7 days per week in this category after hearing testimony from the appellant's mother, thereby resolving this modification.

The ninth modification made was in the "Laundry" category. MassHealth modified the requested amount of 30 minutes per week to 0 minutes per week for both school and vacation weeks. MassHealth's rationale for the modification is that the documentation submitted on behalf of the appellant indicates that the services requested are services that are provided by the parent of a minor child. (Testimony; Exhibit 5, p. 31). The appellant's mother agreed with MassHealth's modification made in this category (laundry), thereby resolving this modification.

The tenth modification made was in the "Housekeeping" category. MassHealth modified the requested amount of 30 minutes per week to 0 minutes per week for both school and vacation weeks. MassHealth's rationale for the modification is that the documentation submitted on behalf of the appellant indicates that the services requested are services that are provided by the parent of a minor child. *Id.* The appellant's mother agreed with MassHealth's modification made in this category (housekeeping), thereby resolving this modification.

Following the hearing, the record was left open for a brief period for the appellant to submit additional documentation and for MassHealth to review all submissions (Exhibit 6). MassHealth subsequently responded, in pertinent part, that the appellant's submission confirms the appellant's ADHD and autism diagnoses, and it also supports the need for PCA assistance with dressing, eating, toileting, bathing and grooming. However, the appellant's submission does not consider noncovered services such as impulsiveness and reduced safety awareness, nor was there additional information to support medical necessity for the modifications in dispute (Exhibit 7).

## Findings of Fact

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

1. The appellant is a [REDACTED] minor child and a MassHealth member.
2. The appellant's medical diagnoses include autism and ADHD.
3. [REDACTED] submitted a re-evaluation request to MassHealth on the appellant's behalf on February 12, 2024, seeking the following: 17 hours,

and 30 minutes of day/evening PCA assistance per week, for 40.12 school weeks, and 19 hours, 0 minutes of day/evening PCA assistance per week, for 12 vacation weeks.

4. By notice dated January 21, 2025, MassHealth modified the requested PCA assistance time to: 10 hours and 30 minutes of day/evening PCA assistance per week for 40.12 school weeks, and 11 hours, 45 minutes of day/evening PCA assistance per week for 12 vacation weeks.
5. The PA request at issue covers the time period of February 18, 2025 through February 17, 2026.
6. The appellant requested time for assistance with mobility (on and off the school bus), as follows: 5 minutes per day, 2 times per day, 5 days per week for 40.12 school weeks.
7. MassHealth denied the requested PCA assistance time for mobility for 40.12 school weeks.
8. MassHealth denied the requested PCA assistance time for mobility for 40.12 school weeks on the basis that it is a parental responsibility.
9. The appellant was assessed by the PCM agency as independent as a pediatric consumer and does not appear to require the use of any assistive devices.
10. The appellant requested time for assistance with grooming (nail care), as follows: 10 minutes per week, each week for both school and vacation weeks.
11. MassHealth denied the requested PCA assistance time for grooming (nail care) for both school and vacation weeks.
12. At the hearing, MassHealth offered to increase the time for assistance with this task to 5 minutes per week for both school and vacation weeks.
13. The appellant requested time for assistance with grooming (other), as follows: 5 minutes per week for both school and vacation weeks.
14. MassHealth denied the requested PCA assistance time for grooming (other) for both school and vacation weeks.
15. The documentation submitted on behalf of the appellant indicates that the services requested in the "Grooming (other)" category is for PCA assistance with lotion, skin checks, and ear checks.



16. MassHealth denied the requested PCA assistance time for grooming (other) for both school and vacation weeks on the basis that the submitted documentation does not support that it is medically necessary for PCA assistance in this category.
17. Skin checks and ear checks are outside of the scope of the PCA program.
18. The appellant requested time for assistance with dressing, as follows: 15 minutes, once per day, 7 days per week for both school and vacation weeks.
19. MassHealth modified the requested time in this category to 7 minutes, once per day, 7 days per week for both school and vacation weeks.
20. The appellant has gastrointestinal issues resulting in him soiling himself. The appellant's clothing must be changed several times per day, as a result.
21. The appellant requested time for assistance with undressing as follows: 10 minutes, once per day, 7 days per week for both school and vacation weeks.
22. MassHealth modified the requested time in this category to 5 minutes, once per day, 7 days per week, for both school and vacation weeks.
23. The appellant's mother did not dispute the modification MassHealth made in this category.
24. The appellant requested time for assistance with eating, as follows: 15 minutes, twice per day, 5 days per week, and 15 minutes 3 times per day, 2 days per week for 40.12 school weeks and 15 minutes, 3 times per day, 7 days per week for 12 vacation weeks.
25. MassHealth modified the requested time in this category to 5 minutes, once per day, 5 days per week (for breakfast) and 5 minutes, once per day, 2 days per week (for lunch on weekends) and 10 minutes, once per day, 7 days per week (for dinner) for 40.12 school weeks and 5 minutes, once per day, 7 days per week (for breakfast and lunch) and 10 minutes, once per day, 7 days per week (for dinner) for 12 vacation weeks.
26. The appellant requested time for assistance with toileting (bladder care) as follows: 6 minutes, 4 times per day, 5 days per week, and 6 minutes, 6 times per day, 2 days per week for 40.12 school weeks and 6 minutes, 6 times per day, 7 days per week for 40.12 school weeks, and 6 minutes, 6 times per day 7 days per week for 12 vacation weeks.
27. MassHealth modified the requested time in this category to 5 minutes, once per day, 5 days per week (for breakfast) and 5 minutes, once per day, 2 days per week (for lunch on weekends) and 10 minutes, once per day, 7 days per week (for dinner) for 40.12 school weeks and 5 minutes, once per day, 7 days per week (for breakfast and lunch) and 10 minutes, once per day, 7 days per week (for dinner) for 12 vacation weeks.

28. The appellant's mother did not dispute the modification MassHealth made in this category.
29. The appellant requested time for assistance with toileting (bowel care) as follows: 10 minutes, once per day, 7 days per week for school and vacation weeks.
30. MassHealth modified the requested time in this category to 7 minutes, once per day, 7 days per week for school and vacation weeks.
31. At the hearing, MassHealth agreed to restore the requested 10 minutes, once per day, 7 days per week of PCA assistance for bowel care; this adjustment was accepted by the appellant's mother.
32. The appellant requested time for assistance with laundry as follows: 30 minutes per week for school and vacation weeks.
33. MassHealth denied the requested PCA assistance time in this category on the basis that the services requested are services that are provided by the parent of a minor child.
34. The appellant's mother did not dispute the modification MassHealth made in this category.
35. The appellant requested time for assistance with housekeeping as follows: 30 minutes per week for school and vacation weeks.
36. MassHealth denied the requested PCA assistance time in this category on the basis that the services requested are services that are provided by the parent of a minor child.
37. The appellant's mother did not dispute the modification MassHealth made in this category.
38. Following the hearing, the record was left open for the appellant to submit additional documentation and for MassHealth to review submission.
39. MassHealth subsequently responded, *inter alia*, that the appellant's documentation was received and that upon review, MassHealth concluded that there was no additional information submitted to support the medical necessity of additional PCA time.

## **Analysis and Conclusions of Law**

MassHealth regulations about 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, grooming (nail care), grooming (other), dressing, undressing, eating, toileting (bladder care), toileting (bowel care), laundry, and housekeeping.

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

Undressing: 5 minutes, once per day, 7 days per week for both school and vacation weeks;

Toileting (bladder care): 5 minutes, 4 times per day, 5 days per week and 5 minutes, 6 times per day, 2 days per week for 40.12 school weeks and 5 minutes, 6 times per day, 7 days per week for 12 vacation weeks;

Toileting (bowel care): 10 minutes, once per day, 7 days per week for both school and vacation weeks;

Laundry: 0 minutes per week for both school and vacation weeks;

Housekeeping: 0 minutes per week for both school and vacation weeks.

The appellant's representative agreed to these amounts of PCA assistance. Therefore, these portions of the appeal are DISMISSED.

### **Mobility**

The appellant requested 5 minutes of assistance, 2 times per day, 5 days per week for 40.12 school weeks to get on and off the school bus. MassHealth denied the requested time on the basis that it is a parental responsibility. The appellant's mother disagreed with this modification, arguing that because the appellant elopes and given his diagnoses, he could easily get struck by a vehicle. Further, the appellant lives on a busy main street with a high volume of traffic. The record does not sufficiently support the appellant's position. The documentation submitted on behalf of the appellant states that his level of assistance for mobility is independent and that he does not use any assistive devices to mobilize. While the appellant undoubtedly requires monitoring due to his lack of safety awareness, as the MassHealth representative noted at the hearing, the PCA program only covers the time for actual hands-on assistance. Behavior management tasks such as safety awareness and impulsiveness are noncovered services. MassHealth has provided adequate support for its determination here, and this portion of the appeal is denied.

### **Grooming (nail care)**

The appellant requested 10 minutes of assistance per week for both school and vacation weeks. MassHealth denied the requested time on the basis that the documentation submitted on behalf of the appellant indicates that the services requested are services that are provided by the parent of a minor child. At the hearing, the MassHealth representative offered to increase the time from 0 to 5 minutes after hearing additional testimony from the appellant's mother. The appellant's mother disagreed with this modification, and declined MassHealth's offer. She stated that it takes

longer than 5 minutes to clip the appellant's nails because he requires restraint while his nails are being clipped. The record does not support the appellant's position that it takes longer than the 5 minutes that was offered by MassHealth to clip the appellant's nails. The appellant's mother explained that two people participate in this task; she restrains her child while the PCA clips his nails. This streamlined approach should help assist with this task. MassHealth has provided adequate support for its determination here, and this portion of the appeal is denied.

### **Grooming (other)**

The appellant requested 5 minutes of assistance per week for both school and vacation weeks. MassHealth denied the requested time on the basis that the documentation submitted on behalf of the appellant indicates that the requested services in this category does not meet the professionally recognized standards of health care and are services that are provided by the parent of a minor child. The MassHealth representative explained that the documentation submitted indicates that the services requested in this category are for lotion, skin checks, and ear checks. The appellant's mother disagreed with the modification made in this category, arguing that because of the appellant's sensory issues grooming is difficult to perform without the PCA assisting her. She further argued that the appellant's pediatrician is aware of the difficulty in cleaning and removing wax from the appellant's ears because of his sensory issues and that MassHealth made this modification solely on the appellant's diagnosis of autism and did not factor in his additional diagnosis of ADHD. The record was left open for the appellant to submit additional documentation. MassHealth subsequently responded that the documentation submitted does not support that it is medically necessary for PCA assistance in this category (Exhibit 7). The submitted documentation does not include any orders for ear cleaning, nor was there any documentation submitted that indicates that the appellant has any skin issues that require lotion (Exhibit 8). While the appellant may requires some assistance in the grooming category, as noted by the MassHealth representative, performing skin and ear checks is outside of the PCA's scope and there was not any documentation submitted to indicate that it is medically necessary for the appellant to receive PCA assistance with these grooming tasks. MassHealth has provided adequate support for its determination here, and this portion of the appeal is denied.

### **Dressing**

The appellant requested 15 minutes of assistance, once per day, 7 days per week, for both school and vacation weeks. MassHealth modified the requested time to 7 minutes, once per day, 7 days per week for school and vacation weeks because the time requested for dressing is longer than ordinarily required for someone with the appellant's physical needs. The appellant, however, is a minor child and is incapable of independently dressing himself. I conclude that in this circumstance, the time requested is appropriate for the appellant because of his physical needs. The appellant's mother stated at the hearing that the appellant just started attending school this

year and soils himself frequently. It is reasonable to conclude that it takes longer to assist the appellant with dressing given this testimony. MassHealth's PCA program specifically includes assistance with dressing as a covered task, and in this instance, the appellant has demonstrated that the requested amount of 15 minutes of assistance with this task, once per day, each day, is warranted. This portion of the appeal is approved.

### **Eating**

The appellant requested 15 minutes, 2 times per day, 5 days per week and 15 minutes, 3 times per day, 2 days per week (Saturday and Sunday) for 40.12 school weeks, and 15 minutes, 3 times per day, 7 days per week for 12 vacation weeks. MassHealth modified this to 5 minutes, once per day, 5 days per week (for breakfast) and 5 minutes, once per day, 2 days per week (for lunch on weekends) and 10 minutes, once per day, 7 days per week (for dinner) for 40.12 school weeks and 5 minutes, once per day, 7 days per week (for breakfast and lunch) and 10 minutes, once per day, 7 days per week (for dinner) for 12 vacation weeks. MassHealth's rationale for the modification is that the time requested for assistance with eating is longer than ordinarily required for someone with his physical needs. The MassHealth representative noted at the hearing that the documentation that was submitted on behalf of the appellant indicates that he can feed himself finger foods. The appellant's mother disagreed with the modification, arguing that he does not always eat finger foods. Additionally, the appellant eats rice and chicken as well, which requires additional time for PCA assistance. The appellant is a minor child and is incapable of independently feeding himself foods other than finger foods. I conclude that in this circumstance, the time requested is appropriate for the appellant because of his physical needs. MassHealth's PCA program specifically includes assistance with eating as a covered task, and in this instance, the appellant has demonstrated that the requested amount of 15 minutes of assistance with this task per occasion is warranted. This portion of the appeal is approved.

For these reasons, this appeal is dismissed in part, denied in part, and approved in part.

## **Order for MassHealth**

For the PA period for dates of service of February 18, 2025 through February 17, 2026: (1) approve the appellant's request in full for the following: dressing at 15 minutes, once per day, 7 days per week and eating at 15 minutes, 2 times per day, 5 days per week and 15 minutes, 3 times per day, 2 days per week (Saturday and Sunday) for 40.12 school weeks, and 15 minutes, 3 times per day, 7 days per week for 12 vacation weeks; (2) increase time for toileting (bowel care) at 10 minutes, once per day, 7 days per week for both school and vacation weeks as agreed to at the hearing; (3) increase time for grooming (nail care) at 5 minutes, once per week as MassHealth offered at the

hearing; (4) notify the appellant of updated authorized PCA hours accordingly; and (5) 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 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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Kimberly Scanlon  
Hearing Officer  
Board of Hearings

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