

Office of Medicaid
BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Approved in part; Denied in part	Appeal Number:	2503452
Decision Date:	5/21/2025	Hearing Date:	April 04, 2025
Hearing Officer:	Brook Padgett		

Appellant Representative:



MassHealth Representative:

Kelly Rayen, R.N.



*Commonwealth of Massachusetts
Executive Office of Health and Human Services
MassHealth of Medical Assistance
Board of Hearings
100 Hancock Street, 6th floor
Quincy, MA 02171*

APPEAL DECISION

Appeal Decision:	Approved in part; Denied in part	Issue:	Prior Authorization PCA Services 130 CMR 450.204
Decision Date:	5/21/2025	Hearing Date:	April 04, 2025
MassHealth Rep.:	K. Rayen, R.N.	Appellant Rep.:	[REDACTED]
Hearing Location:	Quincy		

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 notice dated January 31, 2025 stating: Your request for prior authorization for personal care attendant services has been modified. (Exhibit 1).

The appellant filed this appeal timely on February 28, 2025. (130 CMR 610.015(B); Exhibit 2).

Modification of a prior approval is valid grounds for appeal. (130 CMR 610.032).

Action Taken by MassHealth

MassHealth modified the appellant's request for PCA services.

Issue

Did MassHealth correctly modify the appellant's requested 29.5 hours of PCA assistance to 26.15 hours as the request did not meet the requirements set forth in the medical necessity regulation?

Summary of Evidence

The MassHealth representative testified that a PCA evaluation was performed by a registered nurse with the appellant's provider agency on January 27, 2025. The provider indicated the appellant is a [REDACTED] male with a medical history of osteoarthritis in hips and knees, chronic right hip pain due to post surgical infection, morbid obesity, spasms to back, and numbness/tingling. The appellant reported left hip replacement and two spinal surgeries, depression and anxiety, anemia, and CPAP use. On January 27, 2025, the appellant's provider, [REDACTED] requested 29 hours and 45 minutes per week of PCA services. On January 31, 2025 MassHealth modified that request and approved 26 hours and 15 minutes per week. MassHealth stated the time authorized is determined by the individual's functional ability, severity of symptoms, environmental factors, height and weight, additional medical equipment (e.g., G-tube, urological equipment, colostomy, respiratory equipment,) level of assistance needed for transfers, and level of member's cooperation.

MassHealth testified to the following modifications:

Bathing: 25 minutes x 1 time a day x 7 seven days a week, and 12 minutes x 1 time a day x 7 seven days a week for PM washup. MassHealth testified that notes indicate the appellant requires maximum assistance (a maximum assist requires up to 75% physical assistance to complete task) with bathing. MassHealth approved the requested time for bathing but modified the time for a PM washup to 10 minutes per day, as the time requested for assistance is longer than ordinarily required for someone with the appellant's physical needs. MassHealth argued the PM wash does not include a full body wash and focuses on specific areas like face, underarms, and genitals. The appellant is independent with eating and mobility and can transfer and ambulate without assistance as well as move his arms and upper torso with no extremity issues. As a result, he can assist with the PM wash.

The appellant responded that he is a very large man and requires help washing up. The appellant stated he is incontinent and has leakage and is very concerned about the smell of urine so he needs more time to get a proper PM wash.

Grooming/Other: 10 minutes x 1 time a day x 7 seven days a week, was modified to 5 minutes x 1 time a day x 7 seven days a week. MassHealth stated this time was requested for the application of lotion. MassHealth modified the time for a Grooming/Other as the time requested for assistance is longer than ordinarily requires for someone with his physical needs. The request states the appellant is a maximum assist for this category, but is independent in eating, mobility and transfers with no upper extremity issues and therefore can assist with applying lotion. Thus, MassHealth only allowed time for the PCA to assist only where the appellant cannot reach.

The appellant responded that he can't get to his back and arms or his legs or toes. He has very dry skin and he needs to stand while the lotion is applied. The appellant stated he uses coco butter which requires more time to rub into the skin than regular lotion.

Dressing: 20 minutes x 1 time a day x 7 seven days a week, was modified to 15 minutes x 1 time a day x 7 seven days a week. MassHealth modified the time for Dressing as the time requested for assistance is longer than ordinarily required for someone with his physical needs. The appellant is documented as a moderate assist (a moderate assist involves the member performing up to 50% physical assistance to complete the task) for dressing and can assist with picking out clothes, as well as buttoning and zipping.

The appellant responded that he needs at least 25 minutes to dress as he cannot put on his socks, underwear and pants without help as he cannot bend because of his size and the pain in his hips.

Undressing: 15 minutes x 1 time a day x 7 seven days a week, was modified to 10 minutes x 1 time a day x 7 seven days a week. MassHealth modified the time for Undressing as the time requested for assistance is longer than ordinarily required for someone with his physical needs. The appellant is documented as a moderate assist for undressing and requires assistance mostly with lower body and footwear due to osteoarthritic stiffness and pain while bending and twisting.

The appellant responded that he agreed with modification regarding Undressing.

Bladder Care: 5 minutes x 6 times day x 7 days a week was modified to 4 minutes x 6 times a day x 7 seven days a week. MassHealth modified the time for Bladder Care as the time requested for assistance is longer than ordinarily required for someone with his physical needs. The appellant is documented as a moderate assist for Bladder Care which allows time to physically assist with toilet hygiene, clothing management, and changing of absorbent products. The appellant also receives help with bladder care while he is being assisted with Bowel Care, so he is currently receiving assistance with this task a total of 8 times a day.

The appellant responded that he needs to urinate at least 8 times a day and he also has a leaky bladder which requires washing with each episode. The appellant stated he is very concerned with his hygiene, and he needs sufficient time to make sure he is clean and that he doesn't smell. This assistance also requires pulling up and down his pants and may also require help with a clothing change.

Bowel Care: 10 minutes x 2 times day x 7 days a week was modified to 6 minutes x 2 times a day x 7 seven days a week. MassHealth modified the time for Bowel Care as the time requested for assistance is longer than ordinarily required for someone with his physical needs. The appellant is documented as a moderate assist for Bowel Care which allows time to physically assist with toilet hygiene, clothing management, and changing of absorbent products.

The appellant argued that he needed at least 15 minutes as he is unable to perform hygiene on himself and requires the PCA to use baby wipes when he is standing. He requires help getting on and off the toilet, unbuckling his pants, and pulling up with his underwear and pants. The appellant maintained that he sometimes needs to lie down so the PCA can perform the activity.

Findings of Fact

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

1. The appellant is a [REDACTED] male with a medical history of osteoarthritis in hips and knees, chronic pain right hip due to post surgical infection, morbid obesity, spasms to back, and numbness/tingling. (Exhibit 4 and testimony).
2. On January 27, 2025 a PCA evaluation was performed by a registered nurse with the appellant's provider agency, with a request for 29 hours and 45 minutes per week of PCA services. (Exhibit 4 and testimony).
3. On January 31, 2025, MassHealth modified the appellant's request and approved 26 hours and 15 minutes per week of PCA services. (Exhibit 4 and testimony).
4. Time requested for assistance with activities was approved in full or agreed to by the appellant except for time requested for PM wash, Grooming/Other, Dressing, Bladder and Bowel Care. (Exhibit 4 and testimony).
5. The appellant requested 12 minutes x 1 time a day x 7 seven days a week for a PM wash which MassHealth modified to 10 minutes x 1 time a day x 7 seven days a week. (Exhibit 4, pg.14).
6. The appellant requested 10 minutes x 1 time a day x 7 seven days a week for Grooming/Other for applying lotion which MassHealth modified to 5 minutes x 1 time a day x 7 seven days a week. (Exhibit 4, pg.16).
7. The appellant requested 20 minutes x 1 time a day x 7 seven days a week for Dressing which MassHealth modified to 15 minutes x 1 time a day x 7 seven days a week. (Exhibit 4, pg.18).
8. The appellant requested 5 minutes x 6 times day x 7 days a week for Bladder Care which MassHealth modified to 4 minutes x 6 times a day x 7 seven days a week. (Exhibit 4, pg.20).
9. The appellant requested 10 minutes x 2 times day x 7 days a week for Bowel Care which MassHealth modified to 6 minutes x 2 times a day x 7 seven days a week. (Exhibit 4, pg.20).
10. The appellant requested a maximum assist with Bathing and Grooming/Other and a moderate assist with Dressing, Bladder and Bowel care. (Exhibit 4).
11. The appellant is independent with eating, mobility and can transfer and ambulate without assistance, as well as move his arms and upper torso with no extremity issues. (Exhibit 4).

Analysis and Conclusions of Law

MassHealth will pay for PCA services provided to MassHealth members who can be appropriately cared for in the home (130 CMR 422.401 et seq.). The member must require physical assistance. 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)).

130 CMR 422.410: Activities of Daily Living and Instrumental Activities of Daily Living

(A) Activities of Daily Living. Activities of daily living include the following:

- (1) mobility: physically assisting a member who has a mobility impairment that prevents unassisted transferring, walking, or use of prescribed durable medical equipment;
- (2) assistance with medications or other health-related needs: physically assisting a member to take medications prescribed by a physician that otherwise would be self-administered;
- (3) bathing or grooming: physically assisting a member with basic care such as bathing, personal hygiene, and grooming skills;
- (4) dressing or undressing: physically assisting a member to dress or undress;
- (5) passive range-of-motion exercises: physically assisting a member to perform range-of-motion exercises;
- (6) eating: physically assisting a member to eat. This can include assistance with tube-feeding and special nutritional and dietary needs; and
- (7) toileting: physically assisting a member with bowel and bladder needs.

The requested services must also be medically necessary for prior authorization to be approved. 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) 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 MassHealth. Services that are less costly to 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

MassHealth approved or the appellant agreed to the time requested for assistance with all

activities with the exception of time requested for assistance with PM wash, Grooming/Other, Dressing, Bladder and Bowel care. MassHealth modified these requests, arguing that the time requested for assistance is longer than ordinarily required for someone with the appellant's physical needs. MassHealth maintains the appellant is independent with eating, mobility and transfers and he can ambulate without assistance as well as move his arms and upper torso with no extremity issues and therefore can assist with his ADLs.

The appellant requested 12 minutes x 1 time a day x 7 seven days a week for Bathing PM wash which MassHealth modified to 10 minutes x 1 time a day x 7 seven days a week. MassHealth argues a PM wash is not a full body wash and focuses on specific areas like face, underarms, and genitals. The appellant maintains he needs more time to get a proper PM wash because he is very large and is incontinent, which necessitates more cleaning to eliminate the smell of urine. The appellant is obese, and the medical evidence indicates that while he can assist somewhat, he is unable to reach his legs, feet and toes.

Although a typical PM wash does focus on specific areas like face, underarms, and genitals, the appellant has bladder leakage which requires washing of legs and feet as urine travels down his legs. 12 minutes is within the Time for Task guidelines for a maximum assist for PM wash. Thus, the modification is reversed, and the requested time is approved.

The appellant requested 10 minutes x 1 time a day x 7 seven days a week for Grooming/Other for applying lotion which MassHealth modified to 5 minutes x 1 time a day x 7 seven days a week. MassHealth modified the appellant's request for time to apply lotion as the request is longer than ordinarily required for someone with the appellant's physical needs. The appellant indicated he needs more time as he stands when lotion is applied and uses coco butter which requires more time to rub into his body.

While the medical evidence indicates the appellant does have difficulty reaching his legs, feet and toes, the record indicates that 5 minutes is sufficient time to perform this task. Requiring additional time because the appellant stands while applying the lotion or because he chooses to use coco butter is not sufficient justification to demonstrate that the appellant's request meets the medical necessity criteria for the requested time. MassHealth's modification of the appellant's Grooming/Other care is therefore upheld.

The appellant requested 20 minutes x 1 time a day x 7 seven days a week for Dressing which MassHealth modified to 15 minutes x 1 time a day x 7 seven days a week. MassHealth modified the appellant's request for time with Dressing as the time requested for assistance is longer than ordinarily required for someone with his physical needs. The appellant maintains due to his size and pain in his hips, he needs at least 25 minutes to dress as he cannot put on his socks, underwear, and pants without assistance.

The documentation states the appellant is a moderate assist with dressing. The appellant has no limitations with his upper extremities and can assist with picking out his clothes as well as

buttoning and zipping. This, the record confirms that 20 minutes is sufficient time and within the Time for Task guidelines for a moderate assist with this activity. There is insufficient evidence to establish the appellant's request meets the medical necessity criteria for the requested time and therefore the MassHealth modification of the appellant's request for assistance with Dressing is upheld.

The appellant requested 5 minutes x 6 times day x 7 days a week for Bladder Care which MassHealth modified to 4 minutes x 6 times a day x 7 seven days a week. MassHealth modified the appellant's request for time with Bladder Care as the time requested for assistance is longer than ordinarily required for someone with his physical needs. The appellant maintains he needs to urinate at least 8 times a day and he also has a leaky bladder which requires that he be washed each episode. The appellant stated he is very concerned about his hygiene and requires time to make sure he is clean and he doesn't smell. This assistance also includes pulling up and down his pants and may include a clothing change.

The documentation states that the appellant is a moderate assist for Bladder Care and has the capability to physically assist with his toilet hygiene, clothing management, and changing of absorbent products. As noted by MassHealth, the appellant is also receiving assistance with bladder care when the PCA assists with Bowel Care. Thus, he is currently receiving bladder care assistance 8 times a day. There is insufficient evidence to establish that the appellant's request meets the medical necessity criteria for the requested time and therefore the MassHealth modification of the appellant's request for assistance with Bladder care is upheld.

The appellant requested 10 minutes x 2 times day x 7 days a week for Bowel Care which MassHealth modified to 6 minutes x 6 times a day x 7 seven days a week. MassHealth modified the appellant's request for time with Bowel care as the time requested for assistance is longer than ordinarily required for someone with his physical needs. The appellant argued that he needed at least 15 minutes for bowel care as he needs help getting on and off the toilet, unbuckling his pants, and pulling up with his underwear and pants. The appellant stated he is unable to perform hygiene on himself and needs the PCA to use baby wipes when he is standing or lying down.

The documentation states that the appellant is a moderate assist for Bowel Care and has the capability to physically assist with his toilet hygiene, clothing management, and changing of absorbent products. The appellant is receiving 6 minutes for bowel care which includes the hands-on activities associated with getting on and off the toilet, unbuckling pants, and pulling up underwear and pants, along with performing any hygiene activities whether the appellant is standing or lying down. There is insufficient evidence to establish the appellant's request meets the medical necessity criteria for the requested time and therefore the MassHealth modification of the appellant's request for assistance with Bowel Care is upheld.

The MassHealth modification of the appellant's request for PCA time regarding undressing has been agreed to by the appellant.

The MassHealth modification of the appellant's request for PCA time regarding PM wash is reverse and approved.

The MassHealth modifications of the appellant's request for PCA time regarding bathing, grooming/other, dressing, undressing, bladder and bowel care are upheld.

Order for MassHealth

Increase appellant's time for PCA assistance with a PM wash, as requested.

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 notice, you should contact your local office. 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.

Brook Padgett
Hearing Officer
Board of Hearings

cc: MassHealth representative: PA Unit

[REDACTED]