

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



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| Appeal Decision: | Denied in part; Dismissed in part | Appeal Number: | 2504080 |
| Decision Date: | 05/30/2025 | Hearing Date: | 04/17/2025 |
| Hearing Officer: | Thomas Doyle | Record Open to: | N/A |

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Kelly Rayen, RN



*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

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|---------------------------|--------------------------------------|--------------------------|---------------------------------------|
| Appeal Decision: | Denied in part; Dismissed in part | Issue: | Prior Authorization – PCA Services |
| Decision Date: | 05/30/2025 | Hearing Date: | 04/17/2025 |
| MassHealth's Rep.: | Kelly Rayen | Appellant's Rep.: | ██████ |
| Hearing Location: | Remote (phone) | 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

Through a notice dated February 24, 2025, MassHealth modified the appellant's request for prior authorization for Personal Care Attendant (PCA) services. (Ex. 1). Appellant filed this appeal in a timely manner on March 12, 2025. (130 CMR 610.015(B) and Ex. 2). Modification of a request for PCA services is a valid basis for appeal (130 CMR 610.032).

Action Taken by MassHealth

MassHealth modified the appellant's request for PCA services.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 422.410, in modifying the appellant's request for PCA services.

Summary of Evidence

The MassHealth representative, a registered nurse, (RN), appeared at the hearing telephonically. She testified that appellant is in her [REDACTED] and has a primary diagnosis of chiara malformation, with left side weakness and a history of falls. She stated appellant lives with her spouse. (Testimony; Ex. 4, p. 7). On February 24, 2025 appellant's provider, [REDACTED] requested PCA services in the amount of 18 hours and 30 minutes per week for the prior authorization period of June 2, 2025, to June 1, 2026. On February 24, 2025, MassHealth modified the request in several respects and approved 15 hours and 30 minutes per week. The appellant filed a timely appeal on March 12, 2025. (Testimony).

The MassHealth representative testified that there were 2 areas of modification to the PA request. At hearing, 1 of these modifications was resolved as follows:

Laundry: Appellant requested PCA assistance with Laundry in the amount of 30 minutes a week. (Ex. 4, p. 24). MassHealth modified the request to 0 minutes a week. (Testimony). Appellant accepted MassHealth's modification to 0 minutes a week. (Testimony).

The 1 area of modification that remains in dispute is Other Healthcare Needs. For this area, the MassHealth representative testified to the basis for MassHealth's modification, and the appellant responded in turn.

Other HealthCare Needs: Appellant requested PCA assistance with Other HealthCare Needs in the amount of 5 minutes an episode, 4 episodes a day, 7 days a week. (Testimony; Ex. 4, p. 25). MassHealth modified the request to 0 minutes on the basis there was no indication why the time was requested for this task. The RN noted the comment section that usually explains the reason for the requested time is blank. (Testimony; Ex. 4, p. 25). The RN concluded because there was no indication why the time was requested, the request lacked medical necessity. (Testimony).

Appellant was asked if she knew why the time was requested and she stated "no, I'm not sure." (Testimony).

Findings of Fact

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

1. Appellant is in [REDACTED] and has a primary diagnosis of chiara malformation, with left side weakness and a history of falls. She lives with her spouse. (Testimony; Ex. 4, p. 7).
2. On February 24, 2025 appellant's provider, [REDACTED] requested PCA services in the amount of 18 hours and 30 minutes per week for the prior authorization period

of June 2, 2025, to June 1, 2026. (Testimony).

3. On February 24, 2025, MassHealth modified the request in several respects and approved 15 hours and 30 minutes per week. The appellant filed a timely appeal on March 12, 2025. (Testimony).

4. At hearing, the parties resolved 1 of the modifications (related to Laundry). (Testimony). The modification for Other Healthcare Needs remained in dispute. (Testimony).

5. Appellant requested PCA assistance with Other Healthcare Needs in the amount of 5 minutes an episode, 4 episodes a day, 7 days a week. (Testimony; Ex. 4, p. 25). MassHealth modified the request to zero. (Testimony).

Analysis and Conclusions of Law

Regulations concerning Personal Care Attendant (PCA) Services are found at 130 CMR 422.000, et seq. PCA services are physical assistance with 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 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 personal care agency, requires physical assistance with two or more of the ADLs as defined in 130 CMR 422.410(A); and (4) MassHealth has determined that the PCA services are medically necessary. ADLs and IADLs are addressed in 130 CMR 422.410, which provides as follows:

(A) Activities of Daily Living (ADLs). 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.

(B) Instrumental Activities of Daily Living (IADLs). Instrumental activities of daily living include the following:

(1) household services: physically assisting with household management tasks that are incidental to the care of the member, including laundry, shopping, and housekeeping;

(2) meal preparation and clean-up: physically assisting a member to prepare meals;

(3) transportation: accompanying the member to medical providers; and

(4) special needs: assisting the member with:

(a) the care and maintenance of wheelchairs and adaptive devices;

(b) completing the paperwork required for receiving personal care services; and

(c) other special needs approved by MassHealth as being instrumental to the health care of the member.

(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) MassHealth will consider individual circumstances when determining the number of hours of physical assistance that a member requires for IADLs.

In this case, MassHealth modified appellant's PA request for PCA services by reducing the time requested for 2 activities. After resolution of one of the modifications at hearing, the area of Other Healthcare Needs remains in dispute.

Appellant disagreed with the medically necessary decision of MassHealth in modifying her hours for PCA services. The appellant has the burden "to demonstrate the invalidity of the administrative determination." Andrews v. Division of Medical Assistance, 68 Mass. App. Ct. 228 (2007).

Other HealthCare Needs: Appellant requested PCA assistance with Other HealthCare Needs in the amount of 5 minutes an episode, 4 episodes a day, 7 days a week. (Testimony; Ex. 4, p. 25). MassHealth modified the request to 0 minutes on the basis there was no indication why the time was requested for this task. The RN noted the comment section that usually explains the reason for the requested time is blank. (Testimony; Ex. 4, p. 25). The RN concluded because there was no indication why the time was requested, the request lacked medical necessity. (Testimony). Appellant was asked if she knew why the time was requested and she stated "no, I'm not sure." The evidence before me does not show medical necessity to allow for approval for this ADL. There is nothing in the record showing why the time for this task was requested. (Ex. 4, pp. 24-25). When asked if she knew why time for this ADL was requested, appellant answered "no." (Appellant Testimony). Appellant has not demonstrated the medical necessity of the full PCA time requested for Other Healthcare Needs and MassHealth's modification of requested time for this task to 0 is justified and supported by the record. This part of the appeal is denied.

Order for MassHealth

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.

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.

Thomas Doyle
Hearing Officer
Board of Hearings

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