

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2504600
<b>Decision Date:</b>	05/27/2025	<b>Hearing Date:</b>	05/02/2025
<b>Hearing Officer:</b>	Marc Tonaszuck		

**Appearance for Appellant:**



**Appearance for MassHealth:**

Sara Pedone, PT, Optum



*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>	Denied	<b>Issue:</b>	Prior Authorization – Durable Medical Equipment (DME)
<b>Decision Date:</b>	05/27/2025	<b>Hearing Date:</b>	05/02/2025
<b>MassHealth's Rep.:</b>	Sara Pedone, PT, Optum	<b>Appellant's Rep.:</b>	[REDACTED]
<b>Hearing Location:</b>	Springfield MassHealth Enrollment Center	<b>Aid Pending:</b>	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 03/04/2025, MassHealth informed the appellant, a minor child, that it denied his prior authorization (PA) request for a tech-hub accessory for a Cubby Bed because it does not meet MassHealth's definition of durable medical equipment (DME) (130 CMR 409.414(K), 450.303; Exhibit 1). On 03/19/2025, a timely appeal was submitted on the appellant's behalf (130 CMR 610.015(B); Exhibit 2). MassHealth agency actions to suspend, reduce, terminate, or restrict a member's assistance are valid grounds for appeal (see 130 CMR 610.032).

### Action Taken by MassHealth

MassHealth denied the appellant's PA request for a tech-hub accessory for a Cubby Bed.

### Issue

Is MassHealth correct to deny the appellant's request for a tech-hub accessory for a Cubby Bed

because it is not considered DME?

## Summary of Evidence

The appellant appeared at the fair hearing in person. The MassHealth representative appeared virtually. Exhibits 1-4 were entered into the hearing record.

The MassHealth consultant is a licensed physical therapist who works for Optum, the MassHealth contractor that makes durable medical equipment (DME) decisions for MassHealth. She testified that on 02/28/2025, MassHealth received a prior authorization (PA) request for a Cubby Bed and a tech-hub accessory from [REDACTED]

On 03/04/2025, MassHealth informed the appellant that it approved his request for a Cubby Bed but denied the request for the tech-hub accessory. The consultant testified that the cost of the denied item is \$2,111.20. She stated that the Cubby Bed is a child's bed with a "canopy" that can be zippered closed, especially approved for aggressive children who need to feel safe. The tech-hub accessory includes a monitor, a microphone, software, night-vision, speakers, circadian lights, and other features. The MassHealth consultant explained that the tech-hub was denied because it is not considered DME using MassHealth regulations. As such, it is not a covered service and does not meet the medical necessity regulations; specifically, the requested tech-hub is not fabricated primarily and customarily to fulfill a medical purpose and is generally useful in the absence of illness or injury.

The appellant's mother testified that she disagrees with MassHealth's denial of the tech-hub. The appellant is non-verbal, and he sleeps in a bed in the mother's room. He gets up from bed and opens doors if the zipper on the bed is left open. The mother wants to keep her son in bed, so she has to keep checking on him during the night. She testified that he needs "soothing, safety things," to keep him bed. If he elopes, he can be aggressive towards his sibling. "He climbs everything," and now he is in his own bedroom. She reports the appellant is "really aggressive." The mother argued that the tech-hub will keep the appellant in his bed where he will feel safe. It will also allow her to monitor him from another room.

The MassHealth consultant responded that the Cubby Bed that was approved by MassHealth is designed to keep an aggressive child to feel safe by zippering the "canopy." If the mother were utilizing the Cubby bed as designed, the tech-hub should not be necessary.

## Findings of Fact

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

1. On 02/28/2025, a prior authorization request was submitted on the appellant's behalf by

- ██████████ y for a tech-hub accessory for a Cubby Bed (Testimony; Exhibit 4).
2. The appellant is a minor child who was represented in these proceedings by his mother (Testimony; Exhibit 4).
  3. On 03/04/2025, MassHealth approved the Cubby Bed, but denied the request for the tech-hub accessory.
  4. A tech-hub accessory includes a monitor, a microphone, software, night-vision, speakers, circadian lights, and other features.
  5. A Cubby Bed has a zippered canopy that is used for aggressive children to make them feel safe.
  6. A tech-hub is useful in the absence of an illness or injury and is not fabricated primarily and customarily to fulfill a medical purpose (Testimony).

## **Analysis and Conclusions of Law**

Regulations at 130 CMR 409.402 define Durable Medical Equipment as equipment that:

- (1) is used primarily and customarily to serve a medical purpose;
- (2) is generally not useful in the absence of disability, illness or injury;
- (3) can withstand repeated use over an extended period; and
- (4) is appropriate for use in any setting in which normal life activities take place, other than a hospital, nursing facility, ICF/IID, or any setting in which payment is or could be made under Medicaid inpatient services that includes room and board, except as allowed pursuant to 130 CMR 409.415 and 130 CMR 409.419(C).

MassHealth approved a Cubby Bed for the appellant to make him feel safe. At issue is the denial of the tech-hub accessory to the Cubby Bed. MassHealth argued that the tech-hub does not meet the above definition of DME and therefore it cannot be approved. The appellant's mother requested the tech-hub primarily for the purpose of making the appellant feel safe when he is in his Cubby Bed and also so she can monitor him while he is in his own separate bedroom.

MassHealth correctly determined the tech-hub does not meet the definition of DME. It is useful in the absence of an illness or injury and is not fabricated primarily and customarily to fulfill a medical purpose. Accordingly, MassHealth's denial of the tech-hub is supported by the regulations. This appeal is therefore 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.

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Marc Tonaszuck  
Hearing Officer  
Board of Hearings

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