

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Dismissed in part; Denied in part; Approved in part	Appeal Number:	2504977
Decision Date:	7/7/2025	Hearing Date:	04/28/2025
Hearing Officer:	Kimberly Scanlon		

Appearances 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

Appeal Decision:	Dismissed in part; Denied in part; Approved in part	Issue:	Prior Authorization- PCA Services
Decision Date:	7/7/2025	Hearing Date:	04/28/2025
MassHealth's Rep.:	Kelly Rayen, R.N.	Appellant's Reps.:	
Hearing Location:	Quincy Harbor South 4 (Remote)	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 March 7, 2025, MassHealth modified the appellant's prior authorization (PA) request for personal care attendant (PCA) services from the requested 50 hours and 15 minutes of PCA assistance per week for 37.14 school weeks, and 62 hours and 45 minutes of PCA assistance per week for 15 vacation weeks, to 34 hours and 15 minutes per week for 37.14 school weeks and 30 hours and 0 minutes per week for 15 vacation weeks (Exhibit 1). The appellant filed this appeal in a timely manner on or about March 24, 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] child. Her primary medical diagnosis is Rett syndrome (Exhibit 5, p. 7). She is non-verbal, non-ambulatory, has flaccid limbs, lumbar scoliosis, diabetes, seizure disorder, and incontinence (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 February 13, 2025, seeking the following:

1. 50 hours, 15 minutes of day/evening PCA assistance per week, for 37.14 school weeks, and,
2. 62 hours, 45 minutes of day/evening PCA assistance per week, for 15 vacation weeks.

The MassHealth representative testified that by notice dated March 7, 2025, MassHealth modified the requested time to the following:

1. 34 hours, 15 minutes of day/evening PCA assistance per week, for 37.14 school weeks, and,
2. 38 hours, 30 minutes of day/evening PCA assistance per week, for 15 vacation weeks.

The time period for this PA request is April 8, 2025 through April 7, 2026 (Exhibit 1, p. 3).

The MassHealth representative stated that there were 12 modifications made. First, MassHealth modified the category of "Mobility ("transfers") from the requested time of: 5 minutes, 6 times per day, 5 days per week and 5 minutes, 6 times per day, 2 days per week (Saturday-Sunday) for 37.14 school weeks and 5 minutes, 12 times per day, 7 days per week for 15 vacation weeks, to 2 minutes, 4 times per day, 5 days per week and 2 minutes, 6 times per day, 2 days per week (Saturday-Sunday) for 37.14 school weeks and 2 minutes, 6 times per day, 7 days per week for 15 vacation weeks.

MassHealth's rationale for the modification is that the documentation submitted on behalf of the appellant indicates that the time and frequency requested for assistance with mobility (transfers) is longer and more often than ordinarily required for someone with her physical needs and that some of the services requested are services provided for by family members. The documentation that was submitted on behalf of the appellant states that she is totally dependent for all aspects of mobility, and she is carried or moved in her wheelchair due to her diagnosis. She is unable to

stand, walk, use any of her limbs, she is dependent for all transfers. and for all repositioning, she requires to be lifted/carried for all changes of clothing, etc. She requires all turning/repositioning to prevent pressure sites, and she requires total care throughout the day and night (Exhibit 5, p. 12). The appellant was assessed by the PCM agency as “total dependence” as a pediatric consumer (Exhibit 5, p. 11). The MassHealth representative stated that the time requested for PCA assistance in this category is for the PCA to assist with transferring the appellant in and out of bed, or in and out of a chair, for example. She explained that the frequency of the time that was requested for PCA assistance in this category was modified because it appeared that the PCM agency erred in its submission as the frequency requested in this category was the same frequency requested during the school week and weekends, and an entirely different frequency was requested during the vacation weeks. Specifically, the MassHealth representative stated that the frequency requested in this category was 6 times per day, 5 days per week (Monday-Friday) and 6 times per day, 2 days per week (Saturday-Sunday) during 37.14 school weeks, and 12 times per day, each day, during 15 vacation weeks. MassHealth modified this to 4 times per day, 5 days per week (Monday-Friday) and 6 times per day, 2 days per week (Saturday-Sunday) during 37.14 school weeks and 6 times per day, each day, during 15 vacation weeks.

The appellant was represented at the hearing by her mother and an appeal representative - both appeared telephonically. The appellant’s mother testified that the appellant is not able to move independently and cannot assist with her transfers because of her diagnoses. Additionally, the appellant must be transferred carefully and frequently to prevent contractures and pressure wounds. She explained that it takes 5 minutes to transfer the appellant because she requires that her upper and lower extremities are adjusted each time because she is unable to move her own extremities. The MassHealth representative inquired about the weight and height of the appellant and whether she sleeps in a crib or bed. The appellant’s mother responded that she weighs approximately 40 pounds (20 kg), she is 110 cm in height and sleeps in a bed (See, Exhibit 7). She explained that the appellant does not have the strength to move her head independently so transferring her must be performed carefully. The appellant’s mother stated that it is a 2-person task to transfer the appellant - herself and the PCA. The MassHealth representative stated that the appellant was approved for only 1 minute last year for PCA assistance in this category and MassHealth increased the time to 2 minutes per episode this year to account for any changes in the appellant’s weight and height. The appellant’s mother explained that the appellant has not only grown taller, but she has also become weaker due to her anti-seizure medication that she is currently taking to prevent further seizures. Additionally, the appellant’s lack of head control and decrease of muscle tone has gotten worse since last year.

The appellant’s representative asked if MassHealth would be willing to increase the time that MassHealth modified in this category to 3 minutes per occasion. The MassHealth representative stated that the time that MassHealth approved (2 minutes per occasion) is the time for the PCA to assist the appellant from transferring her out of bed to her wheelchair, for example. She stated that she has not heard any testimony indicating that it takes longer than 2 minutes for the PCA to assist with transferring the appellant.

The second modification made was in the “Mobility” (repositioning) category (Exhibit 5, p. 12). MassHealth modified the requested time of 3 minutes, 10 times per day, 5 days per week and 3 minutes, 16 times per day, 2 days per week (Saturday-Sunday) for 37.14 school weeks, and 3 minutes, 16 times per day, 7 days per week for 15 vacation weeks, to 1 minute, 6 times per day, 5 days per week and 1 minute, 8 times per day, 2 days per week (Saturday-Sunday) for 37.14 school weeks and 1 minute, 8 times per day, 7 days per week for 15 vacation weeks. MassHealth’s rationale for the modification is that the documentation submitted on behalf of the appellant indicates that the time and frequency requested for assistance with mobility (repositioning) is longer and more often than ordinarily required for someone with her physical needs and that some of the services requested are services provided by family members. The MassHealth representative explained that time requested for PCA assistance in this category is time allowing the PCA to assist with repositioning the consumer to prevent pressure sores from developing and that the clinical standard for repositioning to be performed is once every 2 hours while the consumer is awake. MassHealth modified the frequency in accordance with clinical standards.

The appellant’s mother stated that it would be impossible for the appellant to be repositioned only 6 times per day because it would result in her being in the same position for many hours per occasion, which is unsafe for her skin. She stated that the appellant does not have the ability to reposition any of her extremities, she cannot even move her hand. The appellant was assessed by the PCM agency as “total dependence” as a pediatric consumer in this category. *Id.* The MassHealth representative noted that the appellant is repositioned when other ADLs are performed, such as during bathing, PROM exercises, and when dressing her. She stated that these tasks ensure that the appellant is not left in the same position for any length of time. The MassHealth representative stated that the standard of care of every 2 hours for repositioning applies when the consumer is sitting in a certain position at a time when other ADLs are not being performed. The appellant’s mother stated that the appellant is repositioned at least 6 times every 2 hours (once every 20 minutes). She stated that it can take up to 5 minutes for the PCA to assist the appellant with repositioning. The appellant’s representative stated that it is medically necessary to reposition the appellant at least twice per hour, for 16 (waking) hours each day.

The third modification made was in the “Passive Range of Motion” (PROM) category (Exhibit 5, p. 13). MassHealth modified the requested time of 5 minutes, 2 times per day, 7 days per week for each extremity to 5 minutes, once per day, 7 days per week for each extremity for both school and vacation weeks. MassHealth’s rationale for the modification in this category is that the documentation submitted on behalf of the appellant indicates that that the frequency requested for assistance with PROM is more often than ordinarily required for someone with her physical needs and that some of the services requested are services provided by family members. The documentation that was submitted on behalf of the appellant further indicates that due to the inability to move any of her limbs, the appellant needs PROM to prevent further issues: contractures in major joints, and/or pressure sites. The documentation indicates that PROM is done by PCA at least 5 minutes each limb twice a day to provide controlled movement, ease any

spasms and pain, increase circulation, decrease any edema, prevent tightening of any major joints - shoulders, elbows, wrists, fingers, hips, knees, ankles. She has lumbar scoliosis – she may begin special exercises via PT in the future *Id.* The MassHealth representative stated that the documentation that was submitted on behalf of the appellant does not include any evidence of contractures which is the reason that PROM is typically performed to each extremity – to prevent contractures.

The appellant's mother stated that the appellant requires the use of special braces during the nighttime hours because she has developed contractures on her legs. She offered to provide documentation in support of her assertion. The MassHealth representative stated that she is not in disagreement with the appellant's assertion, noting that MassHealth modified the frequency, not the time, of PCA assistance that was requested in this category. She stated that the time MassHealth authorized is based on the time it takes the PCA to assist the parent of a minor child with performing PROM. The appellant's mother stated that the appellant requires the PCA to assist with PROM to each extremity at least twice per day, each day.

The fourth modification made was in the "Bathing" category (Exhibit 5, p. 14). MassHealth modified the requested time of 30 minutes, once per day, 7 days per week, and 15 minutes, once per day, 7 days per week (quick wash) to 20 minutes, once per day, 7 days per week, and 5 minutes, once per day, 7 days per week (quick wash) for both school and vacation weeks. MassHealth's rationale for the modification in this category is that the documentation submitted on behalf of the appellant indicates that the time requested for assistance with bathing is longer than ordinarily required for someone with her physical needs and that some of the services requested are services provided by family members. The documentation that was submitted on behalf of the appellant further indicates she requires total dependence with PCA assistance for all bathing and washing her hair. She does not carry out any movements that help in providing bathing, getting in/out of shower, on/off bath chair, any actual movement due to her medical limitations. All early AM bathing is done prior to leaving for her trip to school – where she learns her subjects and has treatments and medical care. Her mother transports her to and from school since a child was badly injured in a school bus accident that occurred recently. In the AM, she is fully bathed, and hair is washed, by the PCA or mother. The appellant is not able to participate due to her medical limits. In the PM she receives a full wash up and she is not able to participate in this activity. (Exhibit 5, p. 15).

The appellant's mother testified that the appellant's quick wash each night takes the PCA 30 minutes to assist with this task. She clarified that the appellant's bathing each morning also takes 30 minutes for the PCA to assist with this task. The appellant's mother stated that it takes 15 minutes for both caregivers to perform a quick wash each night due to her physical needs. The MassHealth representative stated that MassHealth modified the morning bathing from 30 minutes to 20 minutes because it is reasonable to conclude that a parent would participate in bathing a young minor child. She stated that the second request, a quick wash each night, was modified because the appellant receives a full bath each morning and continence care (diaper changes) are

performed during toileting. Thus, the time that MassHealth authorized for a quick wash each night (5 minutes) is for the PCA to assist the appellant's parent with washing the appellant's face and hands, along with any sweaty areas.

The appellant's mother and her representative stated that they accept the modification that MassHealth made in the bathing category each morning but dispute the modification that MassHealth made in the quick wash category each night because it takes longer than 5 minutes for the PCA to assist with a quick wash due to the appellant's medical diagnoses. They inquired whether MassHealth would approve an additional 5 minutes for a quick wash, for a total of 10 minutes each night in this category. The MassHealth representative stated that the time requested is for the PCA to assist the parent with a quick wash each night because a parent would be expected to assist with washing a young minor child.

The fifth modification made was in the "Grooming" (nail care) category (Exhibit 5, p. 16). MassHealth denied the requested time of 10 minutes, once per day, 7 days 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. The MassHealth representative stated that a young minor child would not be expected to cut/file his or her own nails because it is a parental responsibility. The appellant's representatives agreed with MassHealth's modification made in this category (Grooming (nail care)), thereby resolving this modification.

The sixth modification made was in the "Grooming" (other-lotion) category. *Id.* MassHealth modified the requested time of 5 minutes, once per day, 7 days per week, to 2 minutes, once per day, 7 days 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 time requested for assistance with lotion is longer than ordinarily required for someone with her physical needs and that some of the services requested are services provided by family members. The MassHealth representative stated that the time authorized (2 minutes) is for the PCA to assist the appellant's parent with applying lotion to the appellant each day.

The appellant's mother stated that on occasion, she needs the PCA to assist her with applying lotion to the appellant's face and her body because she has dry skin, presumably as a side effect of her diabetic condition. She stated that it takes a total of 10 minutes to apply lotion to the appellant's entire body (front and back) and the appellant is unable to assist. The MassHealth representative stated that it should not take longer than 2 minutes for the PCA to assist the parent with applying lotion to the appellant's face and body. The appellant's representatives stated that it takes 10 minutes, which is the reason that the PCM agency requested 5 minutes for the PCA to assist the appellant's mother in this category. The MassHealth representative stated that typically 5 minutes are authorized for the application of lotion to an adult. Here, the appellant is a young minor child and MassHealth does not expect a young minor child to apply lotion to her face and body independently. The appellant's mother noted that a healthy, young minor child would be

able to assist with the application of lotion though and in this case, the appellant is unable to do so because of her medical diagnoses.

The seventh modification made was in the “Dressing” category (Exhibit 5, p. 18). MassHealth modified the requested time of 15 minutes, once per day, 7 days per week, and 10 minutes, once per day, 7 days per week for both school and vacation weeks to 12 minutes (total), each day, 7 days per week. MassHealth’s rationale for the modification is that the time requested for assistance with dressing is longer than ordinarily required for someone with her physical needs and that some of the services requested are services provided by family members.

The appellant’s mother stated that it takes the PCA 15 minutes to assist her with dressing the appellant each morning, as she must wear a diaper, undershirt, sweater, pants and shoes, depending on the weather. Further, the appellant is unable to assist with dressing herself due to her medical diagnoses. Additionally, it takes the PCA 10 minutes to assist the appellant’s mother with dressing her (pajamas) each night. She explained that the appellant is unable to push her arms and legs through her clothing, so it takes longer to dress her.

The eighth modification made was in the “Undressing” category. *Id.* MassHealth modified the requested time of 7 minutes, once per day, 7 days per week, and 5 minutes, once per day, 7 days per week to 8 minutes (total) per day, each day 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 time requested for assistance with undressing is longer than ordinarily required for someone with her physical needs and that some of the services requested are services provided by family members. The MassHealth representative stated that a young minor child would not be expected to undress independently because it is a parental responsibility. Additionally, it takes less time to undress than it takes to dress a young minor child. The appellant’s representatives agreed with MassHealth’s modification made in this category (Undressing) thereby resolving this modification.

The ninth modification made was in the “Eating” category (Exhibit 5, p. 19). MassHealth modified the requested time of 20 minutes, once per day, 5 days per week, and 20 minutes, twice per day, 5 days per week for 37.14 school weeks and 20 minutes, 3 times per day, 7 days per week and 8 minutes, twice per day, 7 days per week for 15 vacation weeks, to 15 minutes, once per day, 5 days per week and 15 minutes, twice per day, 5 days per week for 37.14 school weeks and 15 minutes, 3 times per day, 7 days per week for 15 vacation weeks. MassHealth’s rationale for the modification is that the documentation submitted on behalf of the appellant indicates that the time requested for assistance with eating is longer than ordinarily required for someone with her physical needs. Further, the documentation that was submitted on behalf of the appellant states that the appellant is fed lunch at school and her fluids are given by her care provider there. She is not able to feed herself - especially at home she is fed breakfast prior to leaving for school and snacks and supper at home. She must be fed very carefully and given time to chew and swallow, and her diet is very strict – mother and PCA follow special diet carefully to keep her blood glucose

level within normal limits. She is often thirsty and is provided fluids by PCA, she chokes easily so needs to be given slowly to prevent aspiration. *Id.* The MassHealth representative stated that the time authorized is for the PCA to assist the appellant's parent with bringing a fork or spoon to her mouth and that wait time (i.e. the time it takes the appellant to swallow food) is not covered. After hearing the testimony provided by the appellant's mother, the MassHealth representative offered to increase the time authorized in this category, as follows: 20 minutes, once per day, 5 days per week and 20 minutes, twice per day, 5 days per week for 37.14 school weeks and 20 minutes, 3 times per day, 7 days per week for 15 vacation weeks. The appellant's representatives accepted this offer, thereby resolving this modification.

The tenth modification made was in the "Toileting (bladder care)" category (Exhibit 5, p. 49). MassHealth modified the requested time of 5 minutes, 8 times per day, 7 days per week to 5 minutes, 6 times per day, 7 days per week for 15 vacation weeks. MassHealth's rationale for the modification is that the documentation submitted on behalf of the appellant indicates that the frequency requested for assistance with bladder care is more often than ordinarily required for someone with her physical needs. The MassHealth representative stated that MassHealth modified the frequency in this category to align with the time that was requested, and approved in full, during the weekends of the school weeks. The appellant's representatives agreed with MassHealth's modification made in this category (Toileting-bladder care), thereby resolving this modification.

The eleventh modification made was in the "Toileting (bowel care)" category. *Id.* 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 15 vacation weeks. MassHealth's rationale for the modification is that the documentation submitted on behalf of the appellant indicates that the time requested for assistance with bowel care is longer than ordinarily required for someone with her physical needs. The MassHealth representative stated that MassHealth modified the frequency in this category to align with the time that was requested, and approved in full, during the weekends of the school weeks. The appellant's representatives agreed with MassHealth's modification made in this category (Toileting-bowel care), thereby resolving this modification.

The twelfth modification made was in the "Other Healthcare Needs" (stander assist) category. (Exhibit 5, p. 24). MassHealth modified the requested amount of 15 minutes, 3 times per day, 7 days per week to 10 minutes, 3 times per day, 7 days 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 time requested for assistance with stander assist is longer than ordinarily required for someone with her physical needs. The appellant's representatives agreed with MassHealth's modification made in this category (Other-Healthcare Needs (stander assist)), thereby resolving this modification.

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 Rett syndrome. The appellant is non-verbal, non-ambulatory, has flaccid limbs, lumbar scoliosis, diabetes, seizure disorder, and incontinence.
3. [REDACTED] a PCM agency, submitted a re-evaluation request to MassHealth on the appellant's behalf on February 13, 2025, seeking the following: 50 hours, and 15 minutes of day/evening PCA assistance per week, for 37.14 school weeks, and 62 hours, and 45 minutes of day/evening PCA assistance per week, for 15 vacation weeks.
4. By notice dated March 7, 2025, MassHealth modified the requested PCA assistance time to: 34 hours and 15 minutes of day/evening PCA assistance per week for 37.14 school weeks, and 38 hours and 30 minutes of day/evening PCA assistance per week for 15 vacation weeks.
5. The PA request at issue covers the time period of April 8, 2025 through April 7, 2026.
6. The appellant requested time for assistance with mobility (transfers), as follows: 5 minutes, 6 times per day, 5 days per week and 5 minutes, 6 times per day, 2 days per week (Saturday-Sunday) for 37.14 school weeks and 5 minutes, 12 times per day, 7 days per week for 15 vacation weeks.
7. MassHealth modified the requested time for PCA assistance for mobility (transfers), as follows: 2 minutes, 4 times per day, 5 days per week and 2 minutes, 6 times per day, 2 days per week (Saturday-Sunday) for 37.14 school weeks and 2 minutes, 6 times per day, 7 days per week for 15 vacation weeks.
8. The appellant was assessed by the PCM agency as totally dependent for all aspects of mobility and requires being lifted/carried.
9. The appellant requested time for assistance with mobility (repositioning), as follows: 3 minutes, 10 times per day, 5 days per week and 3 minutes, 16 times per day, 2 days per week (Saturday-Sunday) for 37.14 school weeks and 3 minutes, 16 times per day, 7 days per week for 15 vacation weeks.
10. MassHealth modified the requested time and frequency for PCA assistance for mobility (repositioning), as follows: 1 minute, 6 times per day, 5 days per week and 1 minute, 8 times per day, 2 days per week (Saturday-Sunday) for 37.14 school weeks and 1 minute, 8 times per day, 7 days per week for 15 vacation weeks.

11. The appellant requested time for assistance with passive range of motion (PROM) as follows: 5 minutes, 2 times per day, 7 days per week for both school and vacation weeks.
12. MassHealth modified the frequency for PCA assistance for PROM to each extremity as follows: 5 minutes, once per day, 7 days per week both school and vacation weeks.
13. PROM is typically performed on a consumer to prevent contractures.
14. The appellant has developed contractures on her legs.
15. The appellant requested time for assistance with bathing as follows: 30 minutes, once per day, 7 days per week and 15 minutes, once per day, 7 days per week (quick wash) for both school and vacation weeks.
16. MassHealth modified the time for PCA assistance for bathing as follows: 20 minutes, once per day, 7 days per week and 5 minutes, once per day, 7 days per week (quick wash) for both school and vacation weeks.
17. The appellant's representatives agreed, in part, with the modification made by MassHealth as follows: 20 minutes, once per day, 7 days per week. They disagreed with the modification made by MassHealth for a quick wash, specifically, 5 minutes, once per day, 7 days per week.
18. The appellant requested time for assistance with grooming (nail care) as follows: 10 minutes, once per day, 7 days per week for both school and vacation weeks.
19. 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
20. The appellant's representatives did not dispute the modification MassHealth made in this category.
21. The appellant requested time for assistance with grooming (other - lotion), as follows: 5 minutes, once per day, 7 days per week for both school and vacation weeks.
22. MassHealth modified the time for PCA assistance for grooming (other - lotion) as follows: 2 minutes, once per day, 7 days per week for both school and vacation weeks.
23. On occasion, the appellant requires PCA assistance to assist with applying lotion to her face and her body.

24. The appellant requested time for assistance with dressing as follows: 15 minutes, once per day, 7 days per week and 10 minutes, once per day, 7 days per week for both school and vacation weeks.
25. MassHealth modified the requested time in this category to 12 minutes total, each day, 7 days per week, for both school and vacation weeks.
26. The appellant requested time for assistance with undressing, as follows: 7 minutes, once per day, 7 days per week, and 5 minutes, once per day, 7 days per week for both school and vacation weeks.
27. MassHealth modified the requested time in this category to 8 minutes total, each day, 7 days per week, for both school and vacation weeks.
28. The appellant's representatives did not dispute the modification MassHealth made in this category.
29. The appellant requested time for assistance with eating, as follows: 20 minutes, once per day, 5 days per week and 20 minutes, twice per day, 5 days per week for 37.14 school weeks and 20 minutes, 3 times per day, 7 days per week and 8 minutes, twice per day, 7 days per week for 15 vacation weeks.
30. MassHealth modified the requested time in this category to 15 minutes, once per day, 5 days per week and 15 minutes, twice per day, 5 days per week for 37.14 school weeks and 15 minutes, 3 times per day, 7 days per week for 15 vacation weeks.
31. At the hearing, the MassHealth representative offered to increase the modified time in this category to 20 minutes, once per day, 5 days per week and 20 minutes, twice per day, 5 days per week for 37.14 school weeks and 20 minutes, 3 times per day, 7 days per week for 15 vacation weeks. The appellant's representatives accepted this offer made by the MassHealth representative.
32. The appellant requested time for assistance with toileting (bladder care) as follows: 5 minutes, 8 times per day, 7 days per week for 15 vacation weeks.
33. MassHealth modified the requested frequency in this category to 5 minutes, 6 times per day, 7 days per week for 15 vacation weeks.
34. The appellant's representatives did not dispute the modification MassHealth made in this category.
35. The appellant requested time for assistance with toileting (bowel care) as follows: 10 minutes,

once per day, 7 days per week for 15 vacation weeks.

36. MassHealth modified the requested time in this category to 7 minutes, once per day, 7 days per week for 15 vacation weeks.
37. The appellant's representatives did not dispute the modification MassHealth made in this category.
38. The appellant requested time for assistance with other healthcare needs (stander assist) as follows: 15 minutes, 3 times per day, 7 days per week for both school and vacation weeks.
39. MassHealth modified the requested time in this category to 10 minutes, 3 times per day, 7 days per week for both school and vacation weeks.
40. The appellant's representatives did not dispute the modification MassHealth made in this category.

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.

MassHealth has also issued Time-for-Tasks Guidelines for the MassHealth PCA Program; these guidelines provide sub-regulatory guidance for determining the amount of PCA time required to perform activities of daily living (ADLs) and instrumental activities of daily living (IADLs). The guidelines were developed to be used by nurses who evaluate a consumer's need for PCA services and by clinical reviewers of prior-authorization requests for MassHealth PCA services.¹

At issue in this appeal were modifications of time requested for PCA assistance for the appellant with the following ADLs: mobility, passive range of motion, bathing, grooming, dressing, undressing, eating, toileting, other healthcare needs (stander assist).

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

Grooming (nail care): 0 minutes per week for both school and vacation weeks;

Undressing: 8 minutes (total), once per day, 7 days per week for both school and vacation weeks;

Toileting (bladder care): 5 minutes, 6 times per day, 7 days per week for 15 vacation weeks;

¹ This document is not available on MassHealth's website. It has been made available pursuant to a public records request.

(<https://www.masslegalservices.org/system/files/library/Time-for-Tasks%20Guidelines%20for%20the%20MassHealth%20PCA%20Program.pdf>)

Toileting (bowel care): 7 minutes, once per day, 7 days per week for 15 vacation weeks;

Eating: 20 minutes, once per day, 5 days per week, and 20 minutes, twice per day, 5 days per week (totaling 60 minutes per day, 5 days per week) for 37.14 school weeks, and 20 minutes, 3 times per day, 7 days per week for 15 vacation weeks;

Other Healthcare needs (Stander assist): 10 minutes, 3 times per day, 7 days per week for both school and vacation weeks;

Bathing (morning only): 20 minutes, once per day, 7 days per week for both school and vacation weeks.

The appellant's representatives agreed to these modifications to the requested time. Therefore, these portions of the appeal are DISMISSED.

Mobility (transfers)

The appellant requested 5 minutes of assistance, 6 times per day, 5 days per week and 5 minutes, 6 times per day, 2 days per week (Saturday-Sunday) for 37.14 school weeks and 5 minutes, 12 times per day, 7 days per week for 15 vacation weeks for transfers. MassHealth modified the requested time and frequency in this category to 2 minutes, 4 times per day, 5 days per week and 2 minutes, 6 times per day, 2 days per week (Saturday-Sunday) for 37.14 school weeks and 2 minutes, 6 times per day, 7 days per week for 15 vacation weeks. The appellant's representatives disagreed with this modification, arguing that the appellant is totally dependent for all aspects of mobility and cannot assist with transfers due to her medical diagnoses. Further, the appellant requires to be lifted/carried and therefore must be transferred carefully as she does not have the strength to move her head and limbs independently. The appellant has demonstrated that five minutes per episode is a reasonable amount of time to assist her with transfers. According to the "Time-For-Tasks Guidelines for the MassHealth PCA Program," the average time estimate for someone totally dependent for this task (as is the appellant) is 10 minutes (See, Guidelines, p. 1). The time requested (5 minutes) is within the parameters of the guidelines. The appellant must be transferred slowly, more often, and with care and has demonstrated that she needs all the time requested for assistance with this task. This portion of the appeal is approved.

Mobility (repositioning)

The appellant requested 3 minutes of assistance, 10 times per day, 5 days per week and 3 minutes, 16 times per day, 2 days per week (Saturday-Sunday) for 37.14 school weeks and 3 minutes, 16 times per day, 7 days per week for 15 vacation weeks for repositioning. MassHealth modified the requested time and frequency in this category to 1 minute, 6 times per day, 5 days per week and 1 minute, 8 times per day, 2 days per week (Saturday-Sunday) for 37.14 school weeks and 1 minute,

8 times per day, 7 days per week for 15 vacation weeks. The appellant's representatives disagreed with this modification, arguing that it is medically necessary to reposition the appellant at least twice per hour, for 16 (waking) hours each day to prevent pressure sores. Further, the appellant does not have the ability to reposition herself. The appellant has demonstrated that 3 minutes per episode is needed to assist her with repositioning. According to the "Time-For-Tasks Guidelines for the MassHealth PCA Program," the average time estimate for someone totally dependent for this task (as is the appellant) is 10 minutes (See, Guidelines, p. 1). The time requested (3 minutes) is within the parameters of the guidelines. The appellant must be repositioned carefully and frequently and has demonstrated that she needs all the time requested for assistance with this task. This portion (time per task) of the appeal is approved.

With respect to MassHealth's modification of the frequency of repositioning, the appellant did present any compelling medical evidence to demonstrate that it is medically necessary for the appellant to be repositioned 10 times per day (Monday-Friday for 37.14 school weeks) and 16 times per day (Saturday-Sunday during 37.14 school weeks and each day during 15 vacation weeks). As noted by the MassHealth representative, the modification that MassHealth made to the frequency of repositioning in this category is in accordance with clinical standards. Further, as noted by the MassHealth representative, the appellant is repositioned when other ADLs are performed, such as during bathing, PROM exercises, and when dressing her. These tasks ensure that the appellant is not left in the same position for any length of time. MassHealth has provided adequate support for its determination here, and this portion (frequency of task) of the appeal is denied.

Passive Range of Motion (PROM)

The appellant requested 5 minutes of assistance, 2 times per day, 7 days per week for each extremity, for both school and vacation weeks. MassHealth modified the requested frequency in this category to 5 minutes, once per day, 7 days per week for both school and vacation weeks. The appellant's representatives disagreed with this modification, arguing that the appellant requires PROM to each extremity twice per day because she has developed contractures on her legs. The appellant has demonstrated that 5 minutes, 2 times per day, 7 days per week is needed to assist her with PROM to each extremity. According to the "Time-For-Tasks Guidelines for the MassHealth PCA Program," the average time estimate for someone totally dependent for this task (as is the appellant) is 10-30 minutes for each extremity (See, Guidelines, p. 5). The time requested (5 minutes, twice per day, each day, for each extremity) is within the parameters of the guidelines. The appellant has since developed contractures in her legs, and she is unable to assist with moving her extremities. This portion of the appeal is approved.

Bathing (nighttime - quick wash)

The appellant requested 15 minutes of assistance for a nighttime quick wash, once per day, 7 days per week for both school and vacation weeks. MassHealth modified the requested time for a

nighttime quick wash to 5 minutes, once per day, 7 days per week for both school and vacation weeks. The appellant's representatives disagreed with this modification, arguing that it takes 30 minutes to perform a quick wash for the appellant each night – 15 minutes for the PCA and 15 minutes for her. The appellant did present any compelling evidence to demonstrate that a quick wash each night takes more than 5 minutes. As noted by the MassHealth representative, the appellant receives a full bath each morning and continent care (diaper changes) is performed during toileting. The time that MassHealth authorized for a quick wash each night (5 minutes) is for the PCA to assist the appellant's parent with washing the appellant's face and hands, along with any sweaty areas. MassHealth has provided adequate support for its determination here, and this portion of the appeal is denied.

Grooming (other-lotion)

The appellant requested 5 minutes of assistance in this category, once per day, 7 days per week for both school and vacation weeks. MassHealth modified the requested time to 2 minutes, once per day, 7 days per week for both school and vacation weeks. The appellant's mother disagreed with this modification, arguing that it takes longer than 2 minutes to apply lotion to the appellant's face and body and because the appellant cannot assist, and she must be turned on her belly for the application of lotion on her backside. Additionally, the appellant's mother argued that on occasion, the appellant requires PCA assistance to help her with applying lotion because the appellant has dry skin. The appellant did present any compelling evidence to demonstrate that a lotion application takes more than 2 minutes. The appellant's mother stated that it is only on occasion that the PCA assists. As noted by MassHealth, the time that is authorized for PCA assistance in this category is the amount of time it takes the PCA (not the parent) to assist with applying lotion to the appellant. The PCA does not regularly assist with this task, and 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 for dressing, once per day, 7 days per week, and 10 minutes, once per day, 7 days per week (pajamas) for both school and vacation weeks. MassHealth modified the requested time in this category to 12 minutes total, once per day, 7 days per week for both school and vacation weeks. The appellant's representatives disagreed with this modification, arguing that it takes 15 minutes for the PCA to assist with dressing the appellant each morning, and 10 minutes each night because the appellant is unable to assist. The appellant did present any compelling evidence to demonstrate that it takes more than 12 minutes for the PCA to help dress the appellant in the morning. As noted by the MassHealth representative, continence care is performed during toileting, and there is no evidence that the appellant soils herself during the day such that she requires an additional clothing change. The request appears to indicate that the second dressing episode is related to donning pajamas; however, time for assistance getting undressed and donning pajamas is appropriately requesting in the "Undressing" category. MassHealth has provided adequate support for its determination here, and this portion

of the appeal is denied.

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: Mobility (transfers) at 5 minutes, 6 times per day, 5 days per week and 5 minutes, 6 times per day, 2 days per week (Saturday-Sunday) for 37.14 school weeks, and 5 minutes, 12 times per day, 7 days per week for 15 vacation weeks; Mobility (repositioning - time for task only, not frequency) at 3 minutes, 6 times per day, 5 days per week and 3 minutes, 8 times per day, 2 days per week (Saturday-Sunday) for 37.14 school weeks, and 3 minutes, 8 times per day, 7 days per week for 15 vacation weeks; PROM at 5 minutes for each extremity, 2 times per day, 7 days per week, for both school and vacation weeks; (2) increase time for Eating to: 20 minutes, once per day, 5 days per week, and 20 minutes, twice per day, 5 days per week (totaling 60 minutes per day, 5 days per week) for 37.14 school weeks, and 20 minutes, 3 times per day, 7 days per week for 15 vacation weeks, as agreed to at the hearing; and (3) notify the appellant of updated authorized PCA hours accordingly.

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.

Kimberly Scanlon
Hearing Officer
Board of Hearings

CC:

[REDACTED]

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