

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Approved in Part; Denied in Part	Appeal Number:	2505534
Decision Date:	08/15/2025	Hearing Date:	May 30, 2025
Hearing Officer:	Stanley Kallianidis		

Appellant Representative:



MassHealth Representative:

Donna Burns, 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

Appeal Decision:	Approved in Part; Denied in Part	Issue:	Prior Authorization – Personal Care Attendant Services
Decision Date:	08/15/2025	Hearing Date:	May 30, 2025
MassHealth Rep.:	Donna Burns, RN	Appellant Rep.:	██████
Hearing Location:	Telephonic	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

The appellant received a notice dated March 7, 2025 informing him that MassHealth had modified his request for Personal Care Attendant (PCA) Services (Exhibit 1). The appellant filed an appeal of the action in a timely manner on April 7, 2025 (130 CMR 610.015(B); Exhibit 2). Reduction of a request for prior authorization is valid grounds for appeal (130 CMR 610.032).

The hearing notice was sent to the parties on May 2, 2025 (Exhibit 3). A prior hearing date was rescheduled at the appellant's request (Exhibit 4).

Action Taken by MassHealth

MassHealth reduced the appellant's prior authorization request for PCA services from 21.25 to 15.5 hours per week.

Issue

Was MassHealth correct in modifying the appellant's prior authorization request?

Summary of Evidence

A representative from MassHealth testified that a PCA evaluation was performed by a registered nurse with the appellant's provider agency, Northeast ARC, on February 13, 2025. The representative referenced a prior authorization packet that was entered into evidence (Exhibit 5).

The MassHealth representative indicated that the appellant is a [REDACTED] diagnosed with Down syndrome. He is cognitively delayed, non-verbal, and has low muscle tone. He wears foot orthotics due to weak ankles. He has resistive behavior characterized by screaming, resisting, and running away. The appellant has moderate hearing loss and needs to be belted in a highchair for meals due to his bolting (Exhibit 5).

MassHealth reduced the appellant's prior authorization request for PCA services from 21.25 to 15.5 hours per week. The dates of service are March 7, 2025 through March 6, 2026 (Exhibit 1).

The PCA modifications were in the areas of Transfers, Dressing/Undressing, and Bladder Care. The appellant's request for Transfers 3 minutes, twice per day, once per week to a gym at a private school were denied because this is not a covered service. His request for Transfers to a highchair for 3 minutes, twice per day, 7 days per week was modified to 2 minutes per episode because this was all that was medically necessary. His request for Dressing 15 minutes once per day was modified to 10 minutes and his request for Undressing for 12 minutes once per day was modified to 8 minutes, also due to what was medically necessary.

The representative stated that a second request for Dressing of 5 minutes twice per day and for Undressing of 4 minutes twice per day due to the appellant's incontinence and need for clean clothes was denied because this was a clothing management task that should have been listed under Toileting. The appellant's request for Bladder Care was modified from 5 minutes, 12 times per day to 5 minutes 8 times daily because this is the standard of care (Exhibit 5).

The appellant was represented by his mother. She testified that the appellant resists going into his highchair due to sensory and emotional issues. She explained that he goes to a private gym once per week for swimming. She testified that the appellant is totally dependent for Dressing and Undressing and therefore needs more than 10 minutes for Dressing and 8 minutes for Undressing. She stated that the appellant needs to be changed twice per day due to twice-daily incontinence episodes. She further stated that the appellant needs to be brought to the bathroom every hour for bladder care, or 12 times daily, as part of a training program, so that he won't have more episodes of incontinence.

Based on the testimony of the appellant's mother, the MassHealth representative indicated at hearing that she would increase the PCA times for Dressing to 12 minutes daily and for Undressing to 10 minutes daily. The appellant's mother accepted the increased time for Dressing/Undressing. The mother was unclear, however, as to why the appellant's additional twice per day request for PCA assistance for clothing changes due to his incontinence were denied. She maintained that 12 times per day for the appellant's Bladder Care was medically necessary even though this is part of his toilet training because he uses the bathroom each time that he is brought there.

Findings of Fact

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

1. A PCA evaluation was performed by a registered nurse with the appellant's provider agency, Northeast ARC, on February 13, 2025 (Exhibit 5).
2. The appellant is a [REDACTED] boy diagnosed with Down syndrome (Exhibit 5).
3. The appellant is cognitively delayed, non-verbal, and has low muscle tone. He wears foot orthotics due to weak ankles. He has resistive behavior characterized by screaming, resisting and running away. The appellant has moderate hearing loss and needs to be belted in a highchair for meals due to his bolting (Exhibit 5).
4. MassHealth reduced the appellant's prior authorization request for PCA services from 21.25 to 15.5 hours per week. The dates of service are March 7, 2025 through March 6, 2026 (Exhibit 1).
5. The appellant's request for Transfers 3 minutes, twice per day, once per week to a gym at a private school were denied because this is not a covered service. His request for Transfers to a highchair for 3 minutes, twice per day, seven once per week was modified to 2 minutes per episode (Exhibit 5).
6. The appellant's request for Dressing 15 minutes once per day was modified to 10 minutes and his request for Undressing for 12 minutes once per day was modified to 8 minutes. A second request for Dressing of 5 minutes twice per day and for Undressing of 4 minutes twice per day due to the appellant's incontinence and need for clean clothes was denied (Exhibit 5).
7. The appellant's request for Bladder Care was modified from 5 minutes 12 times per day to 5 minutes 8 times daily (Exhibit 5).
8. Based on the testimony of the appellant's mother, the MassHealth representative indicated at the hearing that she would increase the PCA times for Dressing to 12 minutes daily and for Undressing to 10 minutes daily (testimony).

Analysis and Conclusions of Law

Pursuant to 130 CMR 422.403(C), MassHealth covers PCA services provided to eligible MassHealth members who can be appropriately cared for in the home when all of the following conditions are met.

- (1) The PCA services are authorized for the member in accordance with 130 CMR 422.416.
- (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 PCM agency, requires physical assistance with two or more of the ADLs as defined in 130 CMR 422.410(A).
- (4) The MassHealth agency has determined that the PCA services are medically necessary.

130 CMR 422.411: Covered Services (A) MassHealth covers activity time performed by a PCA in providing assistance with ADLs and IADLs as described in 130 CMR 422.410, as specified in the evaluation described in 130 CMR 422.422(C) and (D), and as authorized by the MassHealth agency. (B) MassHealth covers transitional living program services provided by an organization in accordance with 130 CMR 422.431 through 422.441 and the MassHealth agency's proposal requirements.

130 CMR 422.412: Noncovered 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;

Pursuant to 130 CMR 450.204(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 the MassHealth agency. Services that are less costly to the MassHealth agency include, but are not limited to, health care reasonably known by the provider or identified by the MassHealth agency 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.

In this case, MassHealth reduced the appellant's prior authorization request for PCA services from 21.25 to 15.5 hours per week. The dates of service are March 7, 2025 through March 6, 2026. The PCA modifications at issue were in the areas of Transfers, Dressing/Undressing, and Bladder Care.

The appellant is a [REDACTED] diagnosed with Down syndrome. He is cognitively delayed, non-verbal, and has low muscle tone. He wears foot orthotics due to weak ankles. He has resistive behavior characterized by screaming, resisting and running away. The appellant has moderate hearing loss and needs to be belted in a highchair for meals due to his bolting.

The appellant's request for Transfers 3 minutes, twice per day, once per week to a gym at a private school were denied because this is not a covered service. I agree with MassHealth that this is not a covered service as indicated in 130 CMR 422.412(A). His request for Transfers to a highchair for 3 minutes, twice per day, 7 days per week were modified to 2 minutes per episode for the reason that this was sufficient time and all that was medically necessary. I agree with MassHealth that 2 minutes is sufficient to strap a child on to a highchair even with someone resisting like the appellant.

The appellant's request for Dressing 15 minutes once per day was modified to 10 minutes and his request for Undressing for 12 minutes once per day was modified to 8 minutes. Based on the testimony of the appellant's mother, the MassHealth representative indicated at hearing that she would increase the PCA times for Dressing to 12 minutes daily and for Undressing to 10 minutes daily. The appellant's mother accepted the increased time for Dressing/Undressing.

A second request for Dressing of 5 minutes twice per day and for Undressing of 4 minutes twice per day due to the appellant's incontinence and need for clean clothes was denied. The reason given for the denial of this task is because this was a clothing management task that should have been listed under Toileting. Because MassHealth did not dispute the medical necessity of this request, I am approving the time indicated for incontinence Dressing and Undressing.

The appellant's request for Bladder Care was modified from 5 minutes 12 times per day to 5 minutes 8 times daily because this was anticipatory care and prompting the appellant to use the bathroom. Even though the appellant does use the bathroom 12 times per day for bladder care, I agree with MassHealth's modification to 8 times because this does involve prompting which is not a covered service under 130 CMR 422.412(B).

The appeal is therefore approved in part and denied in part.

Order for MassHealth

Increase the PCA times for Dressing to 12 minutes daily and for Undressing to 10 minutes daily as indicated at hearing. Approve the second request for Dressing of 5 minutes twice per day and for Undressing of 4 minutes twice per day due to the appellant's incontinence.

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.

Stanley Kallianidis
Hearing Officer
Board of Hearings

cc:

MassHealth Prior Authorization Unit