

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Dismissed in part; Denied in part	Appeal Number:	2506278
Decision Date:	7/7/2025	Hearing Date:	05/19/2025
Hearing Officer:	Thomas Doyle	Record Open to:	N/A

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Robin Brown, OTR/L



*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	Issue:	Prior Authorization – PCA Services
Decision Date:	7/7/2025	Hearing Date:	05/19/2025
MassHealth's Rep.:	Robin Brown	Appellant's Rep.:	Pro se
Hearing Location:	Remote (Teams Video)	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 April 10, 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 April 22, 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

Appellant and the MassHealth representative appeared at hearing via Teams video. The hearing began, both wore sworn and documents were marked as evidence. The MassHealth representative testified as follows: Appellant is a female in her [REDACTED] with a primary diagnosis of cerebral palsy. Appellant lives independently and uses a power wheelchair for mobility, which has a seat elevator and can tilt and recline. Appellant has use of her upper extremities. The MassHealth representative stated the record shows appellant can brush her own teeth and can bathe and toilet herself. (Testimony). The record shows that appellant can reposition herself in her wheelchair by reclining her trunk and using both hands to push up from her arm rests. (Ex. 4, p. 9). Appellant “puts on her own deodorant” and is “independent with hair” and “oral care.” (Ex. 4, p. 21). The MassHealth representative stated on April 9, 2025, the appellant’s provider, [REDACTED] submitted a prior authorization (PA) request for PCA services. The provider requested PCA services in the amount of 15 hours and 45 minutes per week for the prior authorization period of April 10, 2025, to April 9, 2026. On April 10, 2025, MassHealth modified the request in several respects and approved 13 hours and 0 minutes per week. The appellant filed a timely appeal on April 22, 2025. (Testimony).

The MassHealth representative testified that there were 5 areas of modification to the PA request. At hearing, 4 of these modifications were resolved as follows:

Mobility: Appellant requested PCA assistance with Mobility in the amount of 1 minute an episode, 10 episodes a day, 7 days a week. (Ex. 4, p. 16). MassHealth modified the request to 3 minutes an episode, 2 episodes a day, 7 days a week. (Testimony). After discussion between the parties, MassHealth approved the time requested by appellant. (Testimony).

Bathing: Appellant requested PCA assistance with Bathing in the amount of 10 minutes an episode, 1 episode a day, 7 days a week. (Ex. 4, p. 19). MassHealth modified the request to 5 minutes an episode, 1 episode a day, 7 days a week. (Testimony). After discussion between the parties, MassHealth approved the time requested by appellant. (Testimony).

Grooming: Appellant requested PCA assistance with Grooming in the amount of 5 minutes an episode, 1 episode a day, 7 days a week. (Ex. 4, p. 21). MassHealth modified the request to 2 minutes an episode, 1 episode a day, 7 days a week. (Testimony). After discussion between the parties, appellant agreed to the modification by MassHealth. (Testimony).

Undressing: Appellant requested PCA assistance with Undressing in the amount of 10 minutes an episode, 1 episode a day, 7 days a week. (Ex. 4, p. 22). MassHealth modified the request to 5 minutes an episode, 1 episode a day, 7 days a week.

(Testimony). After discussion between the parties, MassHealth offered 8 minutes an episode, 1 episode a day, 7 days a week. Appellant accepted this offer of modified time for this task. (Testimony).

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

Laundry: Appellant requested 60 minutes a week to do laundry. (Ex. 4, p. 31). MassHealth modified this task to 45 minutes a week. (Testimony). The MassHealth representative stated the laundry is residential and located in the basement. She stated MassHealth only authorizes a PCA for hands on assistance and for laundry which includes, going downstairs, placing clothes into the washer, turning the washer on and then going back upstairs. Next, the PCA would go downstairs again, take the clothes out of the washer, place them into the dryer, turn the dryer on then go back upstairs. The MassHealth representative stated the time approved included folding laundry that appellant cannot do herself. She noted the OT report states appellant is able to sit and fold small items. (Testimony; Ex. 4, p. 7). The MassHealth representative reasoned that a typical able-bodied person would have 15 minutes per load which is enough time for 3 loads a week. She testified appellant is "up and about," is not incontinent and therefore does not have any issues with bed changes. She concluded MassHealth believes 45 minutes is sufficient time for this task. (Testimony).

Appellant testified she was not asked if she folds any laundry and she stated she does not fold laundry. The MassHealth representative stated it is written in the OT report appellant can "sit and fold small items." The MassHealth representative stated she is also an OT nurse and what the OT nurse most likely did at the evaluation is observe appellant and notice what appellant can do with her hands. As an example, the MassHealth representative stated at the hearing, done via video, she watched appellant take papers out of an envelope. (Testimony).

Findings of Fact

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

1. Appellant is a female in her [REDACTED] with a primary diagnosis of cerebral palsy who lives independently and uses a power wheelchair for mobility. (Testimony).
2. On April 9, 2025, appellant's provider, [REDACTED] submitted a PA request for PCA services, requesting 15 hours and 45 minutes per week for the prior authorization period of April 10, 2025, to April 9, 2026. On April 10, 2025, MassHealth modified the request in several respects and approved 13 hours and 0 minutes per week. (Testimony).

3. Appellant filed a timely appeal on April 22, 2025. (Ex. 2).
4. At hearing, the parties resolved 4 of the modifications (related to Mobility, Bathing, Grooming and Undressing). (Testimony). The modification for Laundry remained in dispute. (Testimony).
5. For Laundry, appellant requested 60 minutes a week. (Ex. 4, p. 31). MassHealth modified this task to 45 minutes a week. (Testimony).
6. Appellant has use of her upper extremities and can brush her own teeth and can bathe and toilet herself. (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 the appellant's PA request for PCA services by reducing the time requested for several activities. After resolution of some of these modifications at hearing, the area of Laundry 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).

Laundry: Appellant requested 60 minutes a week to do laundry. MassHealth modified this task to 45 minutes a week. The MassHealth representative stated the laundry is residential and located in the basement. She stated MassHealth only authorizes a PCA for hands on assistance. The MassHealth representative stated the time approved included folding laundry that appellant cannot do herself. She noted the OT report states that appellant can sit and fold small items. (Testimony; Ex. 4, p. 7). The MassHealth representative reasoned that a typical able-bodied person would have 15 minutes per load which is enough time for 3 loads a week. She testified appellant is "up and about," is not incontinent and therefore does not have any issues with bed changes. Appellant testified she was not asked at the evaluation if she folds any laundry and she stated she does not fold laundry.

Appellant has not provided sufficient evidence that the modification from 60 minutes a week to 45 minutes a week for Laundry is incorrect. Appellant states she was not asked if she fold laundry and she testified she does not fold laundry. However, not folding laundry and having the capability to fold laundry are two different things. The record shows appellant has the use of her upper extremities and hands. The OT report states that appellant can sit and fold small items. (Ex. 4, p. 7). The record shows that appellant can reposition herself in her wheelchair by reclining her trunk and using both hands to push up from her arm rests. (Ex. 4, p. 9). Appellant "puts on her own deodorant" and is "independent with hair" and "oral care." (Ex. 4, p. 21). I find the analysis provided by MassHealth supporting the modification is reasonable.

For the reasons set forth above, I find appellant has not demonstrated the medical necessity of the full PCA time requested for Laundry and therefore has not met her burden by preponderance of the evidence. This appeal is denied in part (as to the Laundry issue) and dismissed in part (as to the issues resolved at hearing, Mobility, Bathing, Grooming and Undressing).

Order for MassHealth

Implement the agreed changes made at hearing.

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