

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:

[REDACTED]
[REDACTED]
[REDACTED]

Appeal Decision:	Denied	Appeal Number:	2506515
Decision Date:	7/17/2025	Hearing Date:	June 23, 2025
Hearing Officer:	Brook Padgett		

Appellant Representatives:

[REDACTED]
[REDACTED]
[REDACTED]

Fallon Representatives:

Kay George, RN Fallon Appeals Nurse
Kelli Boyns, RN, Manager Clinical Integration
Julie Keenan, RN, Manager Clinical Integration



*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:	Denied	Issue:	Managed Care Organization - Denial of Internal Appeal 130 CMR 422.410
Decision Date:	7/17/2025	Hearing Date:	June 23, 2025
Fallon Reps.:	K. George, RN Kelli Boyns, RN Julie Keenan, RN	Appellant Rep.:	Pro se
Hearing Location:	Worcester MassHealth Enrollment Center		

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 FallonHealth¹ (Fallon) notice dated April 07, 2025 denying authorization for an additional 5.5 hours of weekly Personal Care Attendant (PCA) services. (130 CMR 422.410, 130 CMR 450.204). (Exhibit 1). The appellant appealed the action timely on April 25, 2025. (130 CMR 610.015(B); Exhibit 2). Denial of a request for prior authorization is valid grounds for appeal. (130 CMR 610.032).

Action Taken by Fallon

Fallon reduced the appellant's PCA request from 30.75 hours per week to 25.25 hours per week.

Issue

Did Fallon correctly reduce the appellant's PCA hours?

¹ FallonHealth is a MassHealth managed care contractor as defined by regulations at 130 CMR 610.004 and described in regulations at 130 CMR 508.000.

Summary of Evidence

The representative from Fallon testified that the appellant is a [REDACTED] female who is an insulin-dependent diabetic. On March 05, 2025 a PCA evaluation was performed by the appellant's provider, which resulted in a reduction of the time requested for PCA assistance from 30.75 hours per week to 25.25 hours per week. Fallon stated that the appellant requested and was denied the reinstatement of the 5.5 hours at issue on April 07, 2025. Fallon indicated that during the appellant's evaluation, she was observed going up and down stairs, transferring off her bed, chair, toilet, in and out of the shower, washing herself, and touching her toes without issue. Based on the evaluation, the appellant received an increase in time for ambulation, climbing stairs, transfers, bathing, haircare, toileting and medication administration. The appellant's hours were reduced primarily because all of her night time hours were denied in full as the appellant's husband assists her overnights and on weekends. Additionally, there was also some overlap in services with Instrumental Activities of Daily Living (IADLs) regarding time for laundry, shopping, housekeeping and meal preparation. This was because the appellant's daughter receives MassHealth PCA services as well and lives with the appellant, and therefore must share in IADL activities. Fallon stated the appellant's medical appointments were also reduced as she was approved for 36-47 appointments at the last evaluation; however, for the year 2024 she attended only 27 medical appointments.

The Fallon representative testified to the following PCA times per week:

	<u>March 05, 2025 evaluation</u>	<u>December 11, 2023 Evaluation</u>
Increased 147 minutes	Ambulation 147 minutes	Ambulation 0 minutes
Increased 168 minutes	Stairs 168 minutes	Stairs 0 minutes
Increased 35 minutes	Bathing 140 minutes	Bathing 105 minutes
Increased 21 minutes	Bathing Transfers 21 minutes	Bathing Transfers 0 minutes
Increased 44 minutes	Hair 79 minutes	Hair 35 minutes
Reduced 14 minutes	Dressing/Undressing 112 minutes	Dressing/Undressing 126 minutes
Increased 84 minutes	Toileting 196 minutes	Toileting 112 minutes
Increased 98 minutes	Medications 140 minutes	Medications 42 minutes
Reduced 35 minutes	Breakfast 70 minutes	Breakfast 105 minutes
Reduced 70 minutes	Lunch 140 minutes	Lunch 210 minutes
No Change	Dinner 0 minutes	Dinner 0 minutes
Reduced 30 minutes	Laundry 60 minutes	Laundry 90 minutes
Reduced 05 minutes	Shopping 40 minutes	Shopping 45 minutes
No Change	Housekeeping 30 minutes	Housekeeping 30 minutes
Reduced 15 minutes	Medical Appointments 45 minutes	Medical Appointment 60 minutes
Reduced 840 minutes (Exhibit 4).	Night Hours 0 minutes	Night Hours 840 minutes

The appellant responded in English that she does not receive any overnight PCA assistance. The appellant was upset that the individual who performed the evaluation did not assess her properly, and stated that she has a difficult time going up and down stairs, showering, and using the toilet. The appellant stated she has difficulty moving and needs more coverage, as she has a

disabled daughter who requires a lot of care and attention from her husband. The appellant submitted a letter from [REDACTED] dated April 25, 2025 from her physician maintaining 30 hours of PCA assistance has been working well for the appellant. The letter details the appellant's history and describes her chronic conditions and argues that reducing her hours will increase her risk for morbidity and mortality. (Exhibit 1).

Findings of Fact

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

1. The appellant is a [REDACTED] female who is an insulin-dependent diabetic. (Exhibit 4)
2. On March 05, 2025 a PCA evaluation was performed by the appellant's provider, resulting in a request for 25.25 hours of PCA assistance. (Exhibit 4).
3. During the appellant's evaluation, the appellant was observed going up and down stairs, transferring off her bed, chair, toilet, in and out of the shower, washing herself, and touching her toes without issue. (Exhibit 4).
4. The appellant's PCA time was increased for ambulation (147 minutes); stairs (168 minutes); bathing (35 minutes); bathing transfers (21 minutes); hair (44 minutes); toileting (84 minutes); and medications (98 minutes). (Exhibit 4 and testimony).
5. The appellant's PCA time was reduced for dressing/undressing (14 minutes); meal prep breakfast (35 minutes); meal prep lunch (70 minutes); laundry (30 minutes); shopping (05 minutes); medical appointment (15 minutes) and night time hours (840 minutes) (Exhibit 4 and testimony).
6. The appellant's lives with her husband and a daughter who also received PCA services through MassHealth. (Testimony).

Analysis and Conclusions of Law

Personal care services are provided to eligible MassHealth members who can be appropriately cared for in the home when all of the following conditions are met:

- (1) The personal care services 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 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.

(4) The Division has determined that the PCA services are medically necessary and has granted a prior authorization for PCA services. See 130 CMR 422.403(C).

MassHealth will pay for PCA services provided to MassHealth members who can be appropriately cared for in the home (130 CMR 422.401 et seq.). The member must require physical assistance. The personal care agency determines the extent of the personal care services provided by a paid PCA (130 CMR 422.403). Personal care services consist of physical assistance with activities of daily living (ADL'S) (130 CMR 422.410(A)).

130 CMR 422.410: Activities of Daily Living and Instrumental Activities of Daily Living

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

The requested services must also be medically necessary for prior authorization to be approved. 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) 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. Services that are less costly to the MassHealth include, but are not limited to, health care reasonably known by the provider or identified by the 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. See 130 CMR 450.204

The appellant is a [REDACTED] female who is an insulin-dependent diabetic. On March 05, 2025 the appellant’s provider submitted a PCA evaluation which recommended a decrease in PCA hours from 30.75 per week to 25.25 per week. Based on the appellant's provider’s evaluation, Fallon reduced the appellant's PCA time requested for dressing/undressing, breakfast, lunch, laundry, shopping, medical appointments, and night hours, arguing that the requests were excessive for the appellant's needs. Fallon increased the appellant's PCA times regarding ambulation, climbing stairs, transfers, bathing, haircare, toileting, and medication administration.

The appellant previously received 126 minutes of PCA assistance per week for dressing/undressing, which was reduced to 112 minutes per week because the appellant was

observed raising her arms and touching her toes, going up and down stairs, transferring off her bed, chair, toilet, in and out of the shower, and washing herself without issue.

The appellant did not dispute her ability to dress or undress. There is insufficient evidence that the appellant cannot assist in dressing and undressing or that she requires more than 112 minutes of PCA assistance for the activity, therefore the reduction in PCA time is upheld.

The appellant previously received 105 minutes of PCA assistance per week with meal preparation (breakfast), which was reduced to 70 minutes per week, as well as 210 minutes of PCA assistance per week with meal preparation (lunch) which was reduced to 140 minutes, because the appellant has the physical and mental capacity to moderately assist with these activities.

The appellant did not dispute her ability to assist with meal preparation. There is insufficient evidence that the appellant cannot assist in preparing her breakfast and lunch or that she requires more than 70 minutes of PCA assistance per week for meal preparation (breakfast) and 140 minutes of PCA assistance per week for meal preparation (lunch), therefore the reduction in PCA time is upheld.

The appellant previously received 90 minutes of PCA assistance per week for help with laundry, which was reduced to 60 minutes per week and 45 minutes of PCA assistance per week for help with shopping, which was reduced to 40 minutes per week. Fallon made these reductions as the appellant is living with her abled bodied husband who can participate in the activities of laundry and shopping. The appellant also has a daughter who receives PCA time through MassHealth who also received time for help with laundry and shopping for the household.

The appellant did not dispute her husband's ability to assist with laundry and shopping, nor did she dispute the fact that her daughter receives PCA services too. There was insufficient evidence provided by the appellant that her husband cannot assist with the household laundry and shopping or that her daughter's PCA cannot assist as well. The appellant has not shown that she requires more than 60 minutes of PCA assistance per week for laundry and 40 minutes of PCA assistance per week for shopping, therefore the reduction in time is upheld.

The appellant previously received 60 minutes per week of PCA assistance for medical appointments, which was reduced to 45 minutes per week as the documentation provided by the appellant indicate she attended only 27 medical appointments per year rather than the 36-47 as previously requested, therefore the reduction in time is upheld. If the appellant requires more medical appointments than last year she can contact her provider and request an adjustment.

The appellant previously received 840 minutes of PCA assistance per week for night time hours, which was reduced to 0 minutes per week as the appellant's PCA does not attend to the appellant during the night as acknowledged by the appellant. The appellant does not received PCA assistance during the night time hours, therefore the reduction in time is upheld.

Based on the medical evidence contained in the record the appellant's PCA hours were correctly decreased from 30.75 per week to 25.25 per week and this appeal is DENIED.

Order for Fallon

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.

Brook Padgett
Hearing Officer
Board of Hearings

cc: MCO Representative: Fallon Health, 1 Mercantile Street, Suite 400, Worcester, MA 01698