

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Dismissed in part; Denied in part	<b>Appeal Number:</b>	2507055
<b>Decision Date:</b>	7/24/2025	<b>Hearing Date:</b>	06/10/2025
<b>Hearing Officer:</b>	Christine Therrien		

**Appearance for Appellant:**



**Appearance for MassHealth:**

Robin Brown, licensed occupational therapist,  
Optum



*The Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Office of Medicaid  
Board of Hearings  
100 Hancock Street, Quincy, Massachusetts 02171*

## APPEAL DECISION

<b>Appeal Decision:</b>	Dismissed in part; Denied in part	<b>Issue:</b>	PCA services
<b>Decision Date:</b>	7/24/2025	<b>Hearing Date:</b>	06/10/2025
<b>MassHealth's Rep.:</b>	Robin Brown, OT	<b>Appellant's Rep.:</b>	
<b>Hearing Location:</b>	Quincy Harbor South Telephonic	<b>Aid Pending:</b>	Yes

### 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 4/18/25, MassHealth modified the appellant's prior authorization request for personal care attendant (PCA) services. (130 CMR 422.410 and Exhibit 1). The appellant filed this appeal in a timely manner on 5/6/25. (130 CMR 610.015(B) and Exhibit 2). Modifications of a request for assistance are valid grounds for appeal. (130 CMR 610.032).

### Action Taken by MassHealth

MassHealth modified the appellant's request for PCA services.

### Issue

The issue is whether MassHealth was correct, under 130 CMR 422.410, 422.412, and 450.204, in modifying the appellant's prior authorization request for PCA services.

### Summary of Evidence

The MassHealth representative testified that the appellant is [REDACTED] with primary diagnoses of autism, anxiety, and developmental delay. The MassHealth representative testified that the appellant lives with his parent and siblings in the community. The MassHealth representative testified that the appellant is independent with mobility, has normal range of motion, and is resistant to tasks.

The MassHealth representative testified that a prior authorization (PA) request for personal care attendant services pediatric reevaluation was submitted to MassHealth on 4/18/25, by the [REDACTED] requesting 32 hours per week for 44 school weeks, and 33 hours and 30 minutes per week for 8 vacation weeks for one year.

The MassHealth representative testified that MassHealth modified this request on 4/18/25 to 31 hours per week for 44.14 school weeks and 32 hours and 15 minutes per week for 8 vacation weeks for one year. The MassHealth representative testified that the dates of service are 5/18/25 through 5/17/26.

The MassHealth representative testified that there were 4 modifications made by MassHealth based on the regulations. The MassHealth representative approved the requested 10 minutes once a day, once per week for nail care. The MassHealth representative also approved the requested 10 minutes once per day, seven days a week, for getting dressed. The appeals of these issues are **dismissed**.

The MassHealth representative testified that MassHealth modified the request for PCA assistance with bathing. The MassHealth representative testified that the time requested for bathing was 20 minutes once a day, seven days a week, which MassHealth approved. The MassHealth representative testified that another 5 minutes once a day, seven days a week, for bathing was requested and that was not approved. The MassHealth representative testified that this was modified because the time that was requested for bathing is longer than ordinarily required for someone with his documented physical needs.

The appellant's mother testified that the appellant has episodes of incontinence at night, requires that he be bathed afterwards. The MassHealth representative testified that the appellant was approved for 2 nighttime hours, which includes time for the requested 20 minutes of nighttime toileting.

The MassHealth representative testified that the next modification is for skin care. The MassHealth representative testified that 5 minutes every day, seven days a week, for skin care was requested. The MassHealth representative testified that MassHealth modified this to 3 minutes once a day, seven days a week, because the time requested for assistance with this task is longer than ordinarily required for someone with the appellant's documented needs.

The appellant's mother testified that the appellant has a skin disease that requires twice-weekly soaking and scraping of dead skin, which takes about 10 minutes per episode. The MassHealth representative testified that the appellant has been approved for 21 minutes every week for this task.

## Findings of Fact

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

1. The appellant is [REDACTED] with primary diagnoses of autism, anxiety, and developmental delay. The appellant lives with his parent and siblings.
2. The appellant is independent with mobility, has normal range of motion, and is resistant to tasks.
3. A PA request for personal care attendant services pediatric reevaluation was submitted to MassHealth on 4/18/25 by the [REDACTED] requesting 32 hours per week for 44 school weeks, and 33 hours and 30 minutes per week for 8 vacation weeks for one year.
4. MassHealth modified this request on 4/18/25 to 31 hours per week for 44.14 school weeks and 32 hours and 15 minutes per week for 8 vacation weeks for one year.
5. The dates of service are 5/18/25 through 5/17/26.
6. There were four modifications made by MassHealth based on the regulations.
7. The MassHealth representative approved the requested 10 minutes once a day, once per week for nail care. The MassHealth representative also approved the requested 10 minutes once per day, seven days a week, for getting dressed. The appeals of these issues are **dismissed**.
8. The time requested for bathing was 20 minutes once a day, seven days a week, which MassHealth approved.
9. Another 5 minutes once a day, seven days a week, for bathing was requested, and that was not approved.
10. The appellant has issues of incontinence at night, following which he is bathed.
11. The appellant was approved for 2 nighttime hours, which includes time for the requested 20 minutes of nighttime toileting.

12. 5 minutes every day, seven days a week, for skin care was requested. MassHealth modified this to 3 minutes once a day, seven days a week.
13. The appellant has a skin disease that requires twice-weekly soaking and scraping of dead skin, which takes about 10 minutes per episode.
14. The appellant has been approved for 21 minutes every week for PCA assistance with skin care.

## **Analysis and Conclusions of Law**

MassHealth covers personal care services provided to eligible MassHealth members who can be appropriately cared for in the home when all 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.

(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 (ADLs). (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 (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 the MassHealth agency as being instrumental to the health care of the member.

The requested services must also be medically necessary for prior authorization to be approved. (130 CMR 450.204). 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.

Regulations at 130 CMR 422.412 describe non-covered PCA services, as follows:

MassHealth does not cover any of the following as part of the PCA program or the transitional living program. (130 CMR 422.412).

- (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;
- (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; or
- (G) surrogates, as defined in 130 CMR 422.402.
- (H) PCA services provided to a member without the use of EVV as required by the MassHealth agency.

Per 130 CMR 503.007, MassHealth is the payer of last resort and only pays for health care and related services when no other source of payment is available, except as otherwise required by federal law.

- (A) Health Insurance. Every applicant and member must obtain and maintain available health insurance in accordance with 130 CMR 505.000: Health Care Reform: MassHealth: Coverage Types. Failure to do so may result in loss or denial of eligibility unless the applicant or member is
  - (1) receiving MassHealth Standard or MassHealth CommonHealth; and

- (2) younger than [REDACTED] or pregnant.
- (B) Use of Benefits. The MassHealth agency does not pay for any health care and related services that are available
  - (1) through the member's health-insurance, if any; or
  - (2) at no cost to the member including, but not limited to, any such services that are available through any agency of the local, state, or federal government, or any entity legally obligated to provide those services.

At hearing, the MassHealth representative approved the requested 10 minutes once a day, once per week for nail care. The MassHealth representative also approved the requested 10 minutes once per day, seven days a week, for getting dressed. The appeals of these issues are **dismissed**.

The appellant requested an additional 5 minutes once a day, seven days a week, for bathing. MassHealth denied this request because the time requested is longer than ordinarily required for someone with the appellant's needs. The appellant was approved for 2 nighttime hours, which provides time for his overnight bathing due to incontinence. For this reason, the appeal of the modification to the request for the additional bathing is **DENIED**.

The appellant requested 5 minutes every day, seven days a week, for skin care. MassHealth modified this to 3 minutes once a day, seven days a week, because the time requested is longer than ordinarily required for someone with the appellant's needs. The appellant's mother testified that the appellant has a skin disease that requires twice-weekly soaking and scraping of dead skin, which takes about 10 minutes per episode. The appellant has been approved for 21 minutes every week for this task; therefore, the appeal of the modifications to the request for PCA assistance with skin care is **DENIED**.

## Order for MassHealth

None, other than implementing the agreed-on PCA assistance time for nail care and dressing.

## Notification of Your Right to Appeal to Court

If you disagree with this decision, you have the right to appeal to court in accordance with Chapter 30A of the Massachusetts General Laws. To appeal, you must file a complaint with the Superior Court for the county where you reside, or Suffolk County Superior Court, within 30 days of your receipt of this decision.



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Christine Therrien  
Hearing Officer  
Board of Hearings

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