

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	DENIED	Appeal Number:	2507203
Decision Date:	9/17/2025	Hearing Date:	07/25/2025
Hearing Officer:	Kenneth Brodzinski		

Appearance for Appellant:



Appearance for MassHealth:

Cassandra Horne and Amy Desilets, RN
(Commonwealth Care Alliance)



*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:	Prior Authorization - PCA
Decision Date:	9/17/2025	Hearing Date:	07/25/2025
MassHealth's Rep.:	Cassandra Horne CCA	Appellant's Rep.:	Pro se
Hearing Location:	Quincy	Aid Pending:	Yes

Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated there under.

Jurisdiction

Through notice dated April 30, 2025, MassHealth's agent, Commonwealth Care Alliance (CCA) upheld a Level One appeal regarding an earlier action where CCA modified a request for prior authorization (PA) for Personal Care Attendant (PCA) services by denying some of the requested time for service (Exhibit A). Appellant filed for this appeal in a timely manner on May 8, 2025 seeking approval for the denied time (see 130 CMR 610.015(B) and Exhibit A). Appellant was granted AID PENDING status forestalling the reduction in PCA hours pending the outcome of this appeal.

Denial of a Level One appeal of a modification of prior authorization for assistance constitutes valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth's agent, CCA, modified a request for prior authorization for PCA services by denying some of the requested time for service.

Issue

The appeal issue is whether MassHealth's agent, CCA, properly applied the controlling regulation(s) to accurate facts when it modified Appellant's request for prior authorization for PCA services by denying some of the requested time for service.

Summary of Evidence

Both parties appeared by telephone. Prior to hearing, CCA filed a packet of documentation including, inter alia, copies of the PA request, the initial modification, and Level One appeal determination (collectively, Exhibit B). Appellant made no filing other than her fair hearing request (Exhibit A).

The CCA representatives testified that Appellant's provider submitted a written PA request seeking 26.5 hours per week of PCA services. CCA modified the request and approved 20.5 of the requested 26.5 hours per week. Appellant filed for an internal Level One appeal with CCA and CCA upheld their action on the Level One appeal. Appellant appealed the Level One determination to BOH.

The CCA representatives reviewed Appellant's PA request noting that last year Appellant when Appellant first came to CCA she had 37 hours per week, but the provider only requested 26.5 hours per week on the subject request. The CCA representatives testified that a total of four modifications were made and that each concerned time to assist with Instrumental Activities of Daily Living (IADLs). The reductions in time for assistance were made to the following activities:

- Meal preparation – lunch reduced from the requested 30 minutes a day, 7 days per week, to 15 minutes a day, 7 days per week.
- Meal preparation – dinner reduced from the requested 45 minutes a day, 7 days per week, to 20 minutes a day, 7 days per week.
- Laundry –reduced from the requested 45 minutes per week to 30 minutes per week.
- Shopping –reduced from the requested 90 minutes per week to 30 minutes per week.

The CCA representatives explained that the reductions were based on the same fact, that Appellant resides with her son who also receives PCA assistance and in such cases time for assistance for IADLs is to be shared.

Appellant appeared on her own behalf along with her son's PCA. The son's PCA agreed that the IADL's are shared and stated she thought the time allowed was appropriate.

Given the testimony from the son's PCA, the hearing officer asked Appellant if she wanted to withdraw the appeal unless there was some other dispute. Appellant stated that she wanted a written decision and added that she did not care which way the hearing officer decided. Appellant became very emotional and stated that she was very worried about her son who was in the hospital and hung up the telephone.

Findings of Fact

Based on a preponderance of the evidence, this record supports the following findings:

1. Appellant's provider submitted a written PA request seeking 26.5 hours per week of PCA services.
2. CCA modified the request and approved 20.5 of the requested 26.5 hours per week.
3. Appellant filed for an internal Level One appeal with CCA and CCA upheld their action on the Level One appeal.
4. Appellant appealed the Level One determination to BOH.
5. CCA made a total of four modifications and each concerned time to assist with Instrumental Activities of Daily Living (IADLs).
6. Meal preparation – lunch reduced from 30 minutes a day, 7 days a week, to 15 minutes a day, 7 days per week.
7. Meal preparation – dinner reduced from 45 minutes a day, 7 days per week, to 20 minutes a day, 7 days per week.
8. Laundry –reduced from 45 minutes per week to 30 minutes per week.
9. Shopping –reduced from 90 minutes per week to 30 minutes per week.
10. Appellant resides with her son who also receives PCA assistance.
11. The son's PCA agreed that the IADL's are shared and stated she thought the time allowed was appropriate.

Analysis and Conclusions of Law

The party appealing an administrative decision bears the burden of demonstrating the decision's invalidity (*Merisme v. Board of Appeals of Motor Vehicle Liability Policies and Bonds*, 27 Mass. App. Ct. 470, 474 (1989)). On this record, Appellant has failed to meet her burden.

CCA made four modifications. Each reduced time for assistance with an IADL because Appellant lives with her son who also receives PCA service. MassHealth regulations at 130 CMR 422.410(C)(2) state: *"When a member is living with one or more other members who are authorized for MassHealth PCA services, PCA time for homemaking tasks (such as shopping, housekeeping, laundry, and meal preparation and clean-up) must be calculated on a shared basis."*

At hearing the son's PCA agreed with the shared basis and with the time allowed by CCA on each of the modifications. Appellant did not dispute any testimony in any way.

On this record, Appellant has failed to meet her burden. The record contains no basis in fact and/or law to disturb the subject action. The appeal is DENIED.

Order for MassHealth

Remove AID PENDING status and proceed with 20.5 hours per week of PCA assistance.

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.

Kenneth Brodzinski
Hearing Officer
Board of Hearings

MassHealth Representative: Commonwealth Care Alliance SCO, Attn: Nayelis Guerrero, 30 Winter Street, Boston, MA 02108