

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision: Approved in part;
Denied in part;
Dismissed in part

Appeal Number: 2507471

Decision Date: 7/21/2025

Hearing Date: 06/17/2025

Hearing Officer: Rebecca Brochstein,
BOH Deputy Director

Appearances for Appellant:



Appearances for MassHealth:

Robin Brown, OTR/L



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

APPEAL DECISION

Appeal Decision:	Approved in part; Denied in part; Dismissed in part	Issue:	Prior Approval (PCA Services)
Decision Date:	7/21/2025	Hearing Date:	06/17/2025
MassHealth's Rep.:	Robin Brown, OTR/L	Appellant's Rep.:	Pro se
Hearing Location:	Board of Hearings (Videoconference)	Aid Pending:	Yes

Authority

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

Jurisdiction

Through a notice dated May 1, 2025, MassHealth modified the appellant's request for prior authorization for Personal Care Attendant (PCA) services by denying some of the time requested (Exhibit 1). The appellant filed this appeal in a timely manner on May 13, 2025, seeking approval of the denied time (130 CMR 610.015(B) and Exhibit 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 by approving only some of the time requested for several tasks.

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

MassHealth was represented at hearing by a licensed occupational therapist from Optum, the MassHealth contractor that manages the personal care attendant (PCA) program. The MassHealth representative testified that the appellant is in her [REDACTED] and has a primary diagnosis of osteoarthritis. She is noted to ambulate with a walker and to have shortness of breath, decreased grasp and range of motion, fatigue, numbness, and a history of falls. She lives in the community with a roommate. The appellant was previously approved for PCA services and currently has an authorization for 83.25 PCA hours per week that is protected pending the appeal.

On May 1, 2025, the appellant's PCA provider, [REDACTED] submitted a prior approval (PA) request and re-evaluation for PCA services. The provider requested PCA services in the amount of 83.5 hours per week for the prior authorization period of May 31, 2025, through May 30, 2026. MassHealth modified the request by approving 79.5 PCA hours per week. MassHealth modified the time requested for five tasks, but the parties resolved two of these modifications at hearing: MassHealth approved the full time requested for assistance with dressing (25 minutes per day), and the appellant agreed to MassHealth's offer to maintain the time approved last year for undressing (20 minutes per day).

The issues remaining in dispute are MassHealth's modifications to the time requested for PCA assistance with bathing (showering), plus two tasks under the category of grooming (shaving and applying lotion). For each of these areas, the MassHealth representative testified to the basis for the modification and the appellant responded in turn.

Bathing

The appellant requested PCA assistance with bathing in the amount of 60 minutes per day for a shower (60x1x7) plus 15 minutes per day (15x1x7) for an evening 'quick wash.' The comments in the PCA evaluation describe the appellant's need for bathing assistance as follows:

[Appellant] requires physical assistance to and from BR, in to and out of tub, is unable to fully, freely, safely, or successfully bend, reach, stretch, twist, or grasp to retrieve supplies or wash and dry self, is unable to lift arms to wash hair, requires quick wash end of day, and requires rest periods during this task r/t pain, stiffness, COPD, SOB with any activity, polyuria, poor ROM, myelopathy, obesity, incontinence, lichen sclerosis, LLE numbness, falls, high fall risk, fatigue, edema, unable to push off, weak grasp, poor FMC, requires rest periods with all tasks, requires walker for safe ambulation. (Exhibit 5 at 15)

MassHealth modified the request to approve 45 minutes per day for PCA assistance with showering, and approved the time requested for a quick wash as requested. The MassHealth representative testified that the reason for the modification is that the time requested is longer than ordinarily required for someone with the appellant's physical needs. She noted that the appellant was approved for 45 minutes for this task in last year's prior authorization, and that even if the appellant's physical condition has worsened, the tasks associated with helping her with

bathing have not changed. She testified that MassHealth uses guidelines to determine how much time to approve given a member's physical needs and that 45 minutes should be sufficient even if the PCA needs to perform all the bathing-related tasks. The MassHealth representative added that MassHealth only pays for the PCA's hands-on time and does not cover "rest periods."

The appellant testified that she requires more time than MassHealth has allotted for her shower. She explained that the PCA has to lift her legs to transfer her in and out of the shower and must also provide additional assistance during the shower because she is now unable to use her left arm secondary to rheumatoid arthritis. She stated that her legs are severely swollen and that she needs help standing up. She noted that she had fallen twice in the preceding three weeks, even while using a walker. The appellant testified that she has a grab bar and a transfer seat but that the position of the bath makes it difficult to maneuver; she stated that the grab bar is on the wrong side of the shower for her. She added that she is a big person and her PCA is "very tiny." She testified that it takes a little over an hour to get through the bathing process (not including breaks), which is longer than it used to take her.

Shaving

The appellant requested PCA assistance with shaving (a sub-category under the heading of 'Grooming') in the amount of ten minutes, once per day, three days per week (10x1x3). The PCA evaluation includes the following comments regarding the appellant's grooming needs:

[Appellant] requires physical assistance to and from BR, is unable to fully, freely, safely, or successfully bend, reach, stretch, twist, or grasp to retrieve supplies or clip and clean fingernails or toenails, is unable to retrieve or open toothpaste and is unable to apply to toothbrush, is unable to retrieve or grasp comb or brush, and is unable to groom hair, is unable to retrieve, open, or apply lotions to dry skin r/t pain, stiffness, COPD, SOB with any activity, polyuria, poor ROM, myelopathy, obesity, incontinence, lichen sclerosis, LLE numbness, falls, high fall risk, fatigue, edema, unable to push off, weak grasp, poor FMC, requires rest periods with all tasks, requires walker for safe ambulation. (Exhibit 5 at 16)

MassHealth modified the request for PCA assistance with shaving to five minutes, once per day, three days per week (5x1x3). The basis of the modification was that the time requested is longer than what is ordinarily required for someone with the appellant's physical needs. The MassHealth representative noted that the appellant was approved for five minutes for this task in last year's evaluation. She stated that the appellant is totally dependent for shaving assistance, but that the time approved reflects only the amount of time that the PCA actually spends performing the task.

The appellant testified that it takes more than five minutes to shave her legs and armpits; she estimated that it takes eight to ten minutes to complete the task. She noted that it is difficult to move her around in the bathtub and get her positioned for this activity, and that the PCA must get in the tub to move her around. She reiterated that she cannot grasp the grab bar with her left arm. She testified that this task is done separately from her bathing activities.

Applying Lotion

The appellant requested PCA assistance with applying lotion in the amount of ten minutes, once per day, seven days per week (10x1x7). As noted above, the PCA evaluation states that the appellant is “. . . unable to retrieve, open, or apply lotions to dry skin r/t pain, stiffness, COPD, SOB with any activity, polyuria, poor ROM, myelopathy, obesity, incontinence, lichen sclerosis, LLE numbness, falls, high fall risk, fatigue, edema, unable to push off, weak grasp, poor FMC.” See Exhibit 5 at 16. MassHealth modified the request to allow three minutes, once per day, seven days per week (3x1x7), on the basis that the time requested is longer than ordinarily required for someone with the appellant’s physical needs.

The MassHealth representative testified that lotion is typically applied before a member gets dressed. She stated that three minutes is typically the maximum amount of time allowed for lotion and that it should be more than enough time to assist the appellant with this task. She noted that the appellant was approved for five minutes last year but she did not know why. She testified that MassHealth uses a time-for-task tool that was written a long time ago and that the grooming guidelines are out of date; she stated that MassHealth now generally approves block time for all grooming needs rather than the individual tasks, and that the total time approved for someone who is totally dependent is 25 minutes per day. However, she added that MassHealth does not follow the time-for-task guidelines strictly. She stated that the time approved is based on the reviewing nurses’ clinical experience.

The appellant testified that it takes five minutes for the PCA to apply lotion and that she needs this done twice a day, once when she is getting dressed, and once when she is changing for bed at the end of the day. She stated that the PCA must stand her up and make sure she is stable because she cannot lift her legs on her own. The PCA first applies lotion to the front of her body and then to the back. She repeats the process at the end of the day before she changes into pajamas. The appellant noted that she has dry skin that is prone to peeling.

Findings of Fact

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

1. The appellant is a woman in her [REDACTED] with a primary diagnosis of osteoarthritis. She ambulates with a walker and has shortness of breath, decreased grasp, decreased range of motion, fatigue, numbness, and a history of falls.
2. The appellant lives in the community with a roommate.
3. The appellant was previously approved for PCA services and currently has an authorization for 83.25 PCA hours per week that is protected pending the appeal.
4. On May 1, 2025, the appellant’s PCA provider, [REDACTED] submitted a PA request and

re-evaluation for PCA services. The provider requested PCA services in the amount of 83.5 hours per week for the prior authorization period of May 31, 2025, through May 30, 2026.

5. MassHealth modified the request by approving 79.5 PCA hours per week.
6. MassHealth modified the time requested for five tasks, but the parties resolved two of these modifications at hearing: MassHealth approved the full time requested for assistance with dressing (25 minutes per day), and the appellant agreed to MassHealth's offer to maintain the time approved last year for undressing (20 minutes per day).
7. The appellant requested PCA time for assistance with bathing in the amount of 60 minutes per day plus 15 minutes per day for an evening quick wash.
 - a. MassHealth approved the time requested for the evening quick wash.
 - b. MassHealth modified the request to approve 45 minutes per day for PCA assistance with showering on the basis that the time requested is longer than ordinarily required for someone with the appellant's physical needs.
 - c. The appellant was approved for 45 minutes per day for PCA assistance with this task in last year's evaluation.
 - d. The evaluation states that the appellant "requires physical assistance to and from BR, in to and out of tub, is unable to fully, freely, safely, or successfully bend, reach, stretch, twist, or grasp to retrieve supplies or wash and dry self, is unable to lift arms to wash hair, requires quick wash end of day, and requires rest periods during this task r/t pain, stiffness, COPD, SOB with any activity, polyuria, poor ROM, myelopathy, obesity, incontinence, lichen sclerosis, LLE numbness, falls, high fall risk, fatigue, edema, unable to push off, weak grasp, poor FMC, requires rest periods with all tasks, requires walker for safe ambulation."
 - e. The appellant's legs are severely swollen and she is unable to move them herself for the transfers in and out of the shower. She needs help to stand up and balance.
 - f. The appellant is unable to use her left arm secondary to rheumatoid arthritis. The grab bar in the appellant's shower is on the left side.
 - g. With PCA assistance, it takes the appellant over an hour to get through the full showering process, not including breaks.
8. Under the category of grooming, the appellant requested PCA assistance for shaving in the amount of ten minutes, once per day, three days per week.
 - a. MassHealth modified the request to allow five minutes, once per day, three days

per week on the basis that the time requested is longer than ordinarily required for someone with the appellant's physical needs.

- b. The appellant was approved for five minutes per episode for this task in last year's evaluation.
 - c. With regard to grooming, the evaluation states that the appellant "requires physical assistance to and from BR, is unable to fully, freely, safely, or successfully bend, reach, stretch, twist, or grasp to retrieve supplies or clip and clean fingernails or toenails, is unable to retrieve or open toothpaste and is unable to apply to toothbrush, is unable to retrieve or grasp comb or brush, and is unable to groom hair, is unable to retrieve, open, or apply lotions to dry skin r/t pain, stiffness, COPD, SOB with any activity, polyuria, poor ROM, myelopathy, obesity, incontinence, lichen sclerosis, LLE numbness, falls, high fall risk, fatigue, edema, unable to push off, weak grasp, poor FMC, requires rest periods with all tasks, requires walker for safe ambulation."
9. Also under the category of grooming, the appellant requested PCA assistance for applying lotion in the amount of ten minutes, once per day, seven days per week.
- a. MassHealth modified the request to allow three minutes, once per day, seven days per week on the basis that the time requested is longer than ordinarily required for someone with the appellant's physical needs.
 - b. The appellant was approved for five minutes per episode for this task in last year's evaluation.
 - c. The evaluation states that the appellant is ". . . unable to retrieve, open, or apply lotions to dry skin r/t pain, stiffness, COPD, SOB with any activity, polyuria, poor ROM, myelopathy, obesity, incontinence, lichen sclerosis, LLE numbness, falls, high fall risk, fatigue, edema, unable to push off, weak grasp, poor FMC."
 - d. The PCA helps the appellant to stand and balance for lotion application before she gets dressed in the mornings. The PCA applies lotion first to the front and then to the back of the appellant's body.

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, the MassHealth modifications that remain in dispute are bathing/showering, shaving, and applying lotion. MassHealth reduced the time requested for each of these tasks, and the appellant argues for the restoration of the requested time.

Bathing

The appellant requested 60 minutes, once per day, for PCA assistance with showering. MassHealth modified the request and approved 45 minutes per day for this task, which is the same amount of time that was approved in the previous year's PA. The written evaluation and the appellant's testimony confirm that the appellant is unable to meaningfully participate in the showering tasks and, given her size and her history of falls, that she requires a significant amount of assistance to transfer in and out of the tub and to stand and balance to ensure a full cleaning. The appellant also testified credibly that her condition has worsened in the last year, particularly with regard to the functionality of her left arm and her ability to grasp the grab bar in the shower, making the PCA's task more challenging and time-consuming. For these reasons, there is sufficient evidence to warrant the full 60 minutes that the appellant has requested for PCA assistance with showering. This aspect of the appeal is approved.

Shaving

The appellant requested PCA assistance for shaving (a sub-category of grooming) in the amount of ten minutes, once per day, three days per week. MassHealth modified the request to allow five minutes, once per day, three days per week, which is the same amount of time that was approved in last year's PA. The appellant argued that this task takes longer than the five minutes that was allotted in part because of the time it takes to get her positioned properly in the bathtub. There is no dispute that the appellant is fully dependent on the PCA for this task. However, the record suggests this task can be (and is) performed in conjunction with the appellant's daily shower, which already requires her to be transferred and properly positioned in the bathtub. The evidence does not suggest that the appellant requires substantial additional time for positioning for this task. The record supports MassHealth's determination that the task of shaving can be accomplished in the five minutes that it has approved. This aspect of the appeal is therefore denied.

Applying Lotion

The appellant requested PCA assistance for applying lotion (another sub-category of grooming) in the amount of ten minutes, once per day, seven days per week. MassHealth modified the request to allow three minutes, once per day, seven days per week, which is two minutes less than the time approved in last year's PA. The appellant testified credibly that it takes five minutes for the PCA to apply lotion, given the PCA's need to help her stand and balance and to fully apply lotion to both sides of her body. She also noted that she requires application of lotion twice per day – once in the morning before getting dressed and once in the evening while preparing for bed – though only one daily episode was requested. Presumably, the routine of applying lotion twice per day is the basis of the PCA agency's request for ten minutes per day for this task. However, if this was the agency's intent, it should submit an amended PA request that separates these into distinct episodes. Based on the current evidence, the appellant has demonstrated the medical necessity for five minutes per day, the same amount of time she was approved for previously. This aspect of the appeal is approved in part.

For the forgoing reasons, this appeal is approved as to the request for bathing/showering time (adjusted to 60 minutes, once per day, seven days per week); approved in part as to the request for applying lotion (adjusted to five minutes, once per day, seven days per week); and denied as to the request for shaving (remaining at five minutes, once per day, three days per week). The appeal is dismissed as to the modifications to PCA time for dressing and undressing, which the parties resolved at hearing.

Order for MassHealth

Remove aid pending protection. Adjust the time approved for bathing (to 60x1x7); for applying lotion (to 5x1x7); for dressing (to 25x1x7); and for undressing (to 20x1x7). Notify the appellant of the adjusted time for PCA assistance.

Implementation of this Decision

If this decision is not implemented within 30 days after the date hereon, you should contact your MassHealth Enrollment Center. If you experience further problems with the implementation of this decision, you should report this in writing to the Director of the Board of Hearings, Office of Medicaid, at the address on the first page of this decision.

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.

Rebecca Brochstein
Deputy Director
Board of Hearings

cc: Optum