

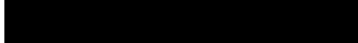
Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Dismissed in part; Approved in part; Denied in part	Appeal Number:	2508135
Decision Date:	8/18/2025	Hearing Date:	07/03/2025
Hearing Officer:	Kimberly Scanlon		

Appearance for Appellant:



Appearances for MassHealth:

Kelly Rayen, RN
Heather Adams, RN (observing)



*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; Approved in part; Denied in part	Issue:	Prior Authorization- PCA Services
Decision Date:	8/18/2025	Hearing Date:	07/03/2025
MassHealth's Rep.:	Kelly Rayen, RN; Heather Adams, RN (observing)	Appellant's Rep.:	Guardian
Hearing Location:	Quincy Harbor South 1 (Remote)	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 May 14, 2025, MassHealth modified the appellant's prior authorization (PA) request for personal care attendant (PCA) services from the requested 34 hours and 30 minutes of PCA assistance per week for 40.14 school weeks, and 35 hours and 0 minutes of PCA assistance per week for 12 vacation weeks, to 31 hours and 30 minutes per week for 40.14 school weeks and 31 hours and 45 minutes per week for 12 vacation weeks (Exhibit 1). The appellant filed this appeal in a timely manner on May 24, 2025 (130 CMR 610.015; Exhibit 2). Modification of a PA request is valid grounds for appeal (130 CMR 610.032).

Action Taken by MassHealth

MassHealth modified the appellant's PA request for PCA services.

Issue

The appeal issue is whether MassHealth was correct in modifying the appellant's PA request for PCA services.

Summary of Evidence

The MassHealth representative, who is a registered nurse and clinical appeals reviewer, testified that the appellant is over the age of [REDACTED]. Her primary medical diagnosis is autism. She has a history of intellectual disabilities, epilepsy, Attention Deficit Hyperactive Disorder (ADHD), bipolar disorder, and anxiety. (Exhibit 7, p. 9). She has frequent dizzy spells as well as seizures, which affect her coordination, balances, and causes incontinence. *Id.* The appellant lives with 2 other PCA consumers, she receives Applied Behavior Analysis (ABA) in-home therapy and attends public school. The MassHealth representative testified that [REDACTED] a personal care management ("PCM") services agency, submitted a PA re-evaluation request to MassHealth on the appellant's behalf on May 6, 2025, seeking the following:

1. 34 hours, 30 minutes of day/evening PCA assistance per week, for 40.14 school weeks, and,
2. 35 hours, 0 minutes of day/evening PCA assistance per week, for 12 vacation weeks.

The MassHealth representative testified that by notice dated May 14, 2025, MassHealth modified the requested time to the following:

1. 31 hours, 30 minutes of day/evening PCA assistance per week, for 40.14 school weeks, and,
2. 31 hours, 45 minutes of day/evening PCA assistance per week, for 12 vacation weeks.

The time period for this PA request is July 24, 2025 through July 23, 2026 (Exhibit 1, p. 3).

The MassHealth representative stated that there were 6 modifications made. First, MassHealth modified the category of "Mobility ("transfers") from the requested time of: 3 minutes, 4 times per day, 5 days per week and 3 minutes, 6 times per day, 2 days per week (Saturday-Sunday) for 40.14 school weeks and 3 minutes, 6 times per day, 7 days per week for 12 vacation weeks, to 1 minute, 4 times per day, 5 days per week and 1 minute, 6 times per day, 2 days per week (Saturday-Sunday) for 40.14 school weeks and 1 minute, 6 times per day, 7 days per week for 12 vacation weeks. MassHealth's rationale for the modification is that the documentation submitted on behalf of the appellant indicates that the time requested for assistance with mobility (transfers) is longer than ordinarily required for someone with her physical needs. The documentation that was submitted on behalf of the appellant states that she needs assistance with transfers in and out of bed, and on and off furniture, due to frequent dizzy spells, unsteady gait, decreased orientation, decreased safety awareness, and frequent falls. (Exhibit 7, p. 13). The MassHealth representative

testified that there are not any orthopedic issues documented and the time that MassHealth authorized for the PCA to assist the appellant with transfers includes time to assist with transferring the appellant in and out of bed and on and off furniture. She stated that the documentation that was submitted on behalf of the appellant indicates that she requires minimal assistance for transfers, which means that the PCA is providing 25% of assistance. (See, Exhibit 7, p. 12). The appellant ambulates with PCA assistance with 1 minute requested and authorized.

The appellant was represented at the hearing telephonically by her representative. The appellant's representative testified that the appellant is post distal every morning and she has seizures every night. She seizes in her sleep (overnight and when napping during the day) and she is difficult to move when she is post distal. Additionally, the appellant can barely walk when she is post distal, she falls facedown and the appellant's representative is unable to physically lift her up, given her recent surgery and the height and weight of the appellant.

The MassHealth representative asked what the PCA does to transfer her from sitting to standing. In response, the appellant's representative explained that the PCA grabs the appellant's arms to help her sit up, pulls her feet down and physically lifts the appellant stand up. The MassHealth representative asked how long it takes for the PCA to assist the appellant from sitting to standing; the appellant's representative stated approximately 5 minutes because it takes a few minutes for the appellant once standing to begin walking. The MassHealth representative stated that wait time is not a covered service in the PCA program. The appellant's representative stated that the appellant's seizures have gotten worse over the past year because her medical providers have not found a medication yet that will prevent her from seizing. The MassHealth representative offered to increase the time to 2 minutes per episode (2 x 4 x 5, and 2 x 6 x 2 for 40.14 school weeks and 2 x 6 x 7 for 12 vacation weeks), after hearing the testimony given on behalf of the appellant. The appellant's representative accepted MassHealth's offer, thereby resolving this modification.

The second modification made was in the "Bathing" (quick wash) category. (Exhibit 7, p. 15). MassHealth modified the requested time of 12 minutes, once per day, 7 days per week to 10 minutes, once per day, 7 days per week for both school and vacation weeks. MassHealth's rationale for the modification in this category is that the documentation submitted on behalf of the appellant indicates that the time requested for assistance with bathing (quick wash) is longer than ordinarily required for someone with her physical needs. The documentation that was submitted on behalf of the appellant indicates that due to incontinence, the appellant requires PCA assistance for a quick wash. (Exhibit 7, p. 16). Additionally, the documentation that was submitted on behalf of the appellant states that she requires maximum assistance for bathing. *Id.* The MassHealth representative explained that incontinence care is performed under the separate category of toileting. She stated that the time that MassHealth authorized for PCA assistance is the time that it takes for the PCA to assist the appellant washing her hands and face, along with any sweaty areas or areas of concern.

The appellant's representative testified that the appellant soils herself frequently. She stated that

the appellant will sit in her stool when she is at school and the school will contact her to come to the school and physically change her. Additionally, the appellant sweats excessively, especially in the summer months. For these reasons, the appellant requires 2 showers per day and requires her underarms to be shaved each day. The MassHealth representative stated that showering was only requested at 30 minutes per day, each day and the documentation that was submitted on behalf of the appellant indicates that she requested 12 minutes, once per day, each day for a quick wash each night (Exhibit 7, p. 15). She suggested that the appellant's representative contact the PCM agency and request an adjustment if the appellant requires 2 showers per day. The appellant's representative stated that the appellant eats like a toddler, and it takes longer than 10 minutes to wash her hands and face during a quick wash.

The third modification made was in the "Grooming" (other) category. (Exhibit 7, p. 17). MassHealth denied the requested time of 3 minutes, once per day, 7 days per week for both school and vacation weeks. MassHealth's rationale for the denial in this category is that the documentation submitted on behalf of the appellant does not establish medical necessity. Specifically, there is not any documentation submitted to support the reason for the time that was requested in this category. *Id.* The appellant's representative stated that the time requested in this category is potentially for the application of the lotion. She explained that the appellant's skin is extremely dry, particularly due to shaving so often. Additionally, the appellant requires a medicated lotion to be applied in between her toes because her skin splits. The MassHealth representative asked if the appellant could apply lotion independently if she was instructed to do so; the appellant's representative responded that the appellant is unable to apply lotion independently due to sensory issues. The MassHealth representative agreed to restore the time requested for grooming (other), (3 x 1 x 7) thereby resolving this modification.

The fourth modification made was in the "Dressing" category. (Exhibit 7, p. 19). MassHealth modified the requested time of 10 minutes, once per day, 7 days per week to 8 minutes, once per day, 7 days per week for both school and vacation weeks. MassHealth's rationale for the modification in this category is that documentation submitted on behalf of the appellant indicates that the time requested for assistance with dressing is longer than ordinarily required for someone with her physical needs. The documentation that was submitted on behalf of the appellant indicates that she requires physical assistance with dressing due to frequent dizzy spells, unsteady gait, decreased General Motor Control (GMC) and Fine Motor Control (FMC), inability to initiate/sequence/complete tasks, decreased safety awareness, decreased hygiene awareness, and high risk for falls with frequent falls. *Id.* Additionally, the documentation that was submitted on behalf of the appellant states that she requires moderate assistance with dressing. *Id.* The MassHealth representative explained that the time authorized for PCA assistance in this category is the time that it takes the PCA to assist the appellant with donning upper extremity and lower extremity clothing and shoes. The appellant's representative stated that the appellant cannot lift her arms independently when she is post distal, therefore, the PCA must dress the appellant's upper extremities by placing a bra onto her and then fastening the bra. To put on a shirt, the appellant's PCA must first place the shirt over her head and onto her neck and then pulling her

arms through the sleeves, one at a time. This task takes approximately 3 minutes. Additionally, the appellant requires approximately 4 minutes to thread her feet and legs in first while sitting and then have her stand to pull up her undergarments. The appellant's socks and shoes must be placed on her feet and her shoes must be fastened, which takes additional time as well. The task of dressing her is performed while trying to simultaneously ensure the appellant does not fall. The appellant's representative stated that the appellant is 5 feet, 6 inches tall and she weighs [REDACTED] [REDACTED] approximately.

The fifth modification made was in the "Toileting" (bowel care) category. (Exhibit 7, p. 21). MassHealth modified the requested time of 7 minutes, once per day, 7 days per week to 5 minutes, once per day, 7 days per week for both school and vacation weeks. MassHealth's rationale for the modification in this category is that documentation submitted on behalf of the appellant indicates that the time requested for assistance with bowel care is longer than ordinarily required for someone with her physical needs. The documentation that was submitted on behalf of the appellant states that she requires physical assistance with toileting, including safe transfer on/off toilet, hygiene, and clothing realignment due to frequent dizzy spells, unsteady gait, decreased GMC and FMC, inability to initiate/sequence/complete tasks, decreased hygiene awareness, and high risk for falls with frequent falls. *Id.* Additionally, the documentation that was submitted on behalf of the appellant states that she requires moderate assistance with toileting. *Id.* The MassHealth representative explained that the time authorized for PCA assistance in this category is for the time it takes the PCA to assist the appellant with getting on and off the toilet, assisting her with clothing management, and providing hygiene after she has a bowel movement. The wait time for the appellant to have a bowel movement is not covered time in the PCA program.

The appellant's representative stated that the appellant requires physical wiping after she has a bowel movement. Further, the appellant is incontinent and will soil her pants which requires her body to be physically washed with wet towels thereafter because she will sit in her soiled pants. Additionally, the appellant's lower garments must be washed or changed when she soils her pants. This is partially due to the appellant requiring Miralax daily; otherwise, she will not have any bowel movements. The MassHealth representative asked how many bowel movements the appellant has per day; the appellant's representative stated that on average, the appellant has 2-3 bowel movements per day. The MassHealth representative stated that the documentation that was submitted on behalf of the appellant indicates that the time requested for PCA assistance in this category was once per day. She stated that there was no documentation included that supports incontinence issues. She suggested that the appellant's representative contact her PCM agency to request incontinence care due to the increased frequency of bowel movements. The appellant's representative stated that it takes longer than 5 minutes for the PCA to assist the appellant with bowel care.

The sixth modification made was in the "Meal Preparation" category. (Exhibit 7, p. 29). MassHealth modified the requested time of 22 minutes (breakfast and dinner), once per day, 7 days per week

to 15 minutes (breakfast and dinner) once per day, 7 days per week for both school and vacation weeks. MassHealth's rationale for the modification is the appellant lives with 2 other PCA consumers and the need for PCA assistance must be calculated on a shared basis. (See, 130 CMR 422.410(C)(2)). The appellant's representative stated that the appellant has dietary needs separate and apart from her family members who receive PCA assistance. The appellant has high cholesterol and due to her medical diagnosis, she will not eat certain foods. The MassHealth representative asked what specific meals the PCA prepares for the appellant that no other family members can eat. The appellant's representative explained that the appellant does not eat the same meals as her family members. She stated that the appellant is on a low cholesterol, heart-healthy diet, high in protein, due to her weight. The PCA prepares salads for dinner with chicken on top or turkey burgers. For breakfast, the PCA prepares oatmeal in a plastic container for the appellant to take to school for consumption. The MassHealth representative stated that meal preparation is a shared task when other PCA consumers live in the same household, per the regulations, regardless of whether it is different food being prepared for each meal.

Findings of Fact

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

1. The appellant is over the age of [REDACTED] and she is a MassHealth member.
2. The appellant's medical diagnosis includes autism. She has a history of intellectual disabilities, epilepsy, Attention Deficit Hyperactive Disorder (ADHD), bipolar disorder, and anxiety. She has frequent dizzy spells as well as seizures, which affect her coordination, balances, and causes incontinence.
3. The appellant receives ABA in-home therapy and attends public school.
4. [REDACTED] a PCM agency, submitted a PA re-evaluation request to MassHealth on the appellant's behalf on May 6, 2025, seeking the following: 34 hours and 30 minutes of day/evening PCA assistance per week, for 40.14 school weeks, and 35 hours, 0 minutes of day/evening PCA assistance per week for 12 vacation weeks.
5. By notice dated May 14, 2025, MassHealth modified the requested PCA assistance time to: 31 hours and 30 minutes of day/evening PCA assistance per week for 40.14 school weeks, and 31 hours and 45 minutes of day/evening PCA assistance per week for 12 vacation weeks.
6. The PA request at issue covers the time period of July 24, 2025, through July 23, 2026.
7. The appellant requested time for assistance with mobility (transfers), as follows: 3 minutes, 4 times per day, 5 days per week and 3 minutes, 6 times per day, 2 days per week (Saturday-

Sunday) for 40.14 school weeks and 3 minutes, 6 times per day, 7 days per week for 12 vacation weeks.

8. MassHealth modified the requested time and frequency for PCA assistance for mobility (transfers), as follows: 1 minute, 4 times per day, 5 days per week and 1 minute, 6 times per day, 2 days per week (Saturday-Sunday) for 40.14 school weeks and 1 minute, 6 times per day, 7 days per week for 12 vacation weeks
9. At the hearing, MassHealth offered to increase the time for assistance with this task to 2 minutes per occasion. The appellant's representative accepted this offer, resolving this modification.
10. The appellant requested time for PCA assistance with bathing (quick wash) as follows: 12 minutes, once per day, 7 days per week for both school and vacation weeks.
11. MassHealth modified the time for PCA assistance with bathing (quick wash) as follows: 10 minutes, once per day, 7 days per week both school and vacation weeks.
12. The documentation that was submitted on behalf of the appellant states that she requires maximum assistance for bathing.
13. The appellant requested time for PCA assistance with grooming (other) as follows: 3 minutes, once per day, 7 days per week for both school and vacation weeks.
14. MassHealth denied the requested time for PCA assistance with grooming (other) on the basis that the documentation submitted on behalf of the appellant does not establish medical necessity because there is not any documentation submitted to support the reason for the time that was requested in this category.
15. At the hearing, MassHealth agreed to restore the requested 3 minutes, once per day, 7 days per week of PCA assistance for grooming (other).
16. The appellant requested time for PCA assistance with dressing as follows: 10 minutes, once per day, 7 days per week for both school and vacation weeks.
17. MassHealth modified the time for PCA assistance with dressing as follows: 8 minutes, once per day, 7 days per week both school and vacation weeks.
18. The documentation that was submitted on behalf of the appellant states that she requires moderate assistance with dressing.
19. The appellant requested time for PCA assistance with toileting (bowel care) as follows: 7

minutes, once per day, 7 days per week for both school and vacation weeks.

20. MassHealth modified the time for PCA assistance with toileting (bowel care) as follows: 5 minutes, once per day, 7 days per week both school and vacation weeks.
21. The documentation that was submitted on behalf of the appellant states that she requires moderate assistance with toileting.
22. The appellant requested time for PCA assistance with meal preparation as follows: 22 minutes (for breakfast and for dinner) once per day, 7 days per week for both school and vacation weeks.
23. MassHealth modified the time for PCA assistance with meal preparation as follows: 15 minutes (for breakfast and dinner) once per day, 7 days per week both school and vacation weeks.
24. The appellant lives in the same household with 2 other PCA consumers.

Analysis and Conclusions of Law

MassHealth regulations about PCA services are found at 130 CMR 422.000 et seq. Regulation 130 CMR 422.402 defines a PCA as a person who is hired by the member or surrogate to provide PCA services, which are further defined as assistance with the 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; (2) the member's disability is permanent or chronic in nature; (3) the member 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; and (4) MassHealth has determined that the PCA services are medically necessary and has granted a prior authorization for PCA services.

Activities of daily living are listed at 130 CMR 422.410(A) and include mobility, assistance with medications or other health-related needs, bathing/grooming, dressing and undressing, passive range-of-motion exercises, eating, and toileting (including bowel care and bladder care). MassHealth pays for PCA time in physically assisting members to perform the aforementioned activities of daily living.

Instrumental activities of daily living are those activities described in 130 CMR 422.410(B) that are instrumental to the care of the member's health and are performed by a PCA, such as meal preparation and clean-up, housekeeping, laundry, shopping, maintenance of medical equipment, transportation to medical providers, and completion of paperwork required for the

member to receive personal care services. MassHealth pays for PCA time in physically assisting members to perform the instrumental activities of daily living (130 CMR 422.402).

Pursuant to 130 CMR 422.410(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 agency will consider individual circumstances when determining the number of hours of physical assistance that a member requires for IADLs.

Further, pursuant to 130 CMR 422.412, "Non-Covered Services:"

MassHealth does not cover any of the following as part of the PCA program or the transitional living program:

- (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, or a resident of a provider-operated residential facility subject to state licensure, such as a group home
- (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;
- (G) surrogates, as defined in 130 CMR 422.402; or
- (H) PCA services provided to a member without the use of EVV as required by the MassHealth agency.

Pursuant to 130 CMR 450.204(A), 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 service is "medically necessary" if:

- (1) it is reasonably calculated to prevent, diagnose, prevent the 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 MassHealth. Services that are less costly to MassHealth include, but are not limited to, health care reasonably known by the provider, or identified by 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.

MassHealth has also issued Time-for-Tasks Guidelines for the MassHealth PCA Program; these guidelines provide sub-regulatory guidance for determining the amount of PCA time required to perform activities of daily living (ADLs) and instrumental activities of daily living (IADLs). The guidelines were developed to be used by nurses who evaluate a consumer's need for PCA services and by clinical reviewers of prior-authorization requests for MassHealth PCA services.¹

At issue in this appeal were modifications of time requested for PCA assistance for the appellant with the following ADLs: Transfers, Bathing (quick wash), Grooming (other), Dressing, Toileting (bowel care), and Meal Preparation.

At the hearing, MassHealth agreed to authorize the following amounts of PCA assistance:

Transfers: 2 minutes per occasion (2 x 4 x 5 and 2 x 6 x 2 for 40.14 school weeks and 2 x 6 x 7 for 12 vacation weeks)

Grooming (other): 3 minutes, once per day, 7 days per week.

¹ This document is not available on MassHealth's website. It has been made available pursuant to a public records request.

(<https://www.masslegalservices.org/system/files/library/Time-for-Tasks%20Guidelines%20for%20the%20MassHealth%20PCA%20Program.pdf>)

The appellant agreed to these PCA assistance authorizations. Therefore, these portions of the appeal are DISMISSED.

Bathing (quick wash)

The appellant requested 30 minutes of assistance each day, 7 days per week for bathing, and an additional 12 minutes of assistance, each day, 7 days per week for a quick wash (totaling 42 minutes per day), for both school and vacation weeks. MassHealth approved the requested 30 minutes per day, each day, and modified the requested 12 minutes of PCA assistance for a quick wash to 10 minutes of assistance, each day, 7 days per week (totaling 40 minutes per day). The appellant's representative argues that the appellant eats like a toddler and therefore it takes longer than 10 minutes for the PCA assistance.

The appellant has demonstrated that twelve minutes is needed for the PCA to assist her with bathing (quick wash). According to the "Time-For-Tasks Guidelines for the MassHealth PCA Program," the average time estimate for a consumer who requires maximum assistance for bathing (as is the appellant) is 45 minutes. (See, p. 5 of the Time-for-Tasks Guidelines). In this case, the appellant requested and was authorized for 30 minutes once per day, 7 days per week for PCA assistance to shower each day. The time requested for a quick wash (12 minutes) is within the parameters of the guidelines ($30 + 12 = 42$), and the appellant's testimony was credible. This portion of the appeal is approved.

Dressing

The appellant requested 10 minutes of assistance, once per day, 7 days per week for dressing, for both school and vacation weeks. MassHealth modified the requested time for PCA assistance in this category to 8 minutes, once per day, 7 days per week because the time requested is longer than ordinarily required. The appellant's representative argues that the appellant cannot lift her arms nor put on any clothing/shoes independently, so it takes longer than 8 minutes for the PCA to assist her with dressing.

The appellant has demonstrated that ten minutes is needed for the PCA to dress her. According to the "Time-For-Tasks Guidelines for the MassHealth PCA Program," the average time estimate for a consumer who requires moderate assistance (as is the appellant) with all dressing tasks needs, on average, 15 minutes of PCA assistance per day. (See, p. 7 of the Time-for-Tasks Guidelines). Per the Guidelines, this assistance includes physically assisting a member with putting on and fastening all items of clothing. *Id.* The time requested is within the parameters of the Guidelines, and the appellant's testimony was credible. This portion of the appeal is approved.

Toileting (bowel care)

The appellant requested 7 minutes of assistance, once per day, 7 days per week for bowel care, for

both school and vacation weeks. MassHealth modified the requested time for PCA assistance in this category to 5 minutes, once per day, 7 days per week because the time requested is longer than ordinarily required. The appellant's representative argues that it takes longer than 5 minutes to assist the appellant with bowel care, given her incontinence and that she soils herself frequently. Thus, the appellant must be physically washed, wiped and her clothing must be washed and changed at times.

The appellant has demonstrated that seven minutes is needed for the PCA to assist with bowel care. According to the "Time-For-Tasks Guidelines for the MassHealth PCA Program," the average time estimate for a consumer who requires moderate assistance (as is the appellant) with toileting needs, on average, 13 minutes of PCA assistance per bladder and/or bowel assist. (See, p. 10 of the Time-for-Tasks Guidelines). Per the Guidelines, this assistance includes physically assisting a member with bowel and bladder needs. *Id.* The time requested is within the parameters of the Guidelines, and the appellant's testimony was credible. This portion of the appeal is approved.

Meal Preparation

The appellant requested 22 minutes of assistance (breakfast and dinner), once per day, 7 days per week for meal preparation, for both school and vacation weeks. MassHealth modified the requested time for PCA assistance in this category to 15 minutes (breakfast and dinner), once per day, 7 days per week because the appellant lives with 2 other PCA consumers and the need for PCA assistance must be calculated on a shared basis. The appellant's representative argues that the appellant eats different food separately from her family members, given her medical diagnosis, and dietary needs. While this testimony is certainly credible, it does not support the argument that the appellant currently requires more than 15 minutes of PCA assistance to complete the task of meal preparation. Per 130 CMR 422.410(C)(2), 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. MassHealth has provided adequate support for its determination here, and this portion of the appeal is denied.

For these reasons, this appeal is dismissed in part, approved in part, and denied in part.

Order for MassHealth

For the PA period for dates of service of July 24, 2025 through July 23, 2026: (1) approve the appellant's request in full for the following: Bathing (quick wash) at 12 minutes, once per day, 7 days per week and 5 minutes, 6 times per day, 2 days per week (Saturday-Sunday) for both school and vacation weeks; Dressing at 10 minutes, once per day, 7 days per week for both school and vacation weeks; Toileting (bowel care) at 7 minutes, once per day, 7 days per week, for both school and vacation weeks; (2) increase time for Mobility (transfers) to: 2 minutes per occasion (2 x 4 x 5 and 2 x 6 x 2 (Saturday and Sunday) for 40.14 school weeks and 2 x 6 x 7 for 12 vacation

weeks), and increase time for Grooming (other): to 3 minutes, once per day, 7 days per week for both school and vacation weeks, as agreed to at the hearing; and (3) notify the appellant of updated authorized PCA hours accordingly.

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 Optum. 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.

Kimberly Scanlon
Hearing Officer
Board of Hearings

CC:

[REDACTED]

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