

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	DENIED	<b>Appeal Number:</b>	2508140
<b>Decision Date:</b>	08/25/2025	<b>Hearing Date:</b>	07/08/2025
<b>Hearing Officer:</b>	Kenneth Brodzinski		

**Appearance for Appellant:**



**Appearance for MassHealth:**

Cassandra Horne with Jeramiah Mancuso of  
Commonwealth Care Alliance (CCA)



*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>	DENIED	<b>Issue:</b>	Covered services
<b>Decision Date:</b>	08/25/2025	<b>Hearing Date:</b>	07/08/2025
<b>MassHealth's Rep.:</b>	Cassandra Horne (CCA)	<b>Appellant's Rep.:</b>	[REDACTED]
<b>Hearing Location:</b>	Quincy		

### 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 15, 2025, MassHealth's agent, Commonwealth Care Alliance (CCA) denied Appellant's Level One appeal of an earlier denial of a request for prior authorization (PA) for psychotherapy from a specific provider (Exhibit A). Appellant filed this appeal in a timely manner on May 28, 2025 (see 130 CMR 610.015(B) and Exhibit A). Denial of assistance constitutes valid grounds for appeal (see 130 CMR 610.032).

### Action Taken by MassHealth

MassHealth's agent CCA denied Appellant's Level One appeal of an earlier denial of a request for prior authorization (PA) for psychotherapy from a specific provider.

### Issue

The appeal issue is whether MassHealth's agent, CCA, properly applied the controlling regulation(s) to accurate facts when it denied Appellant's Level One appeal of an earlier denial of a request for psychotherapy from a specific provider.

## Summary of Evidence

Both parties appeared by telephone. Prior to hearing, CCA filed a packet of documentation which includes, *inter alia*, copies of Appellant's PA request, CCA's denials, the CCA One Care coverage manual and the CCA dental provider manual (collectively, Exhibit B). Along with her Fair Hearing Request, Appellant filed a copies of two typed-written letters from the specific provider, Kellie Harvey, LMHC .

The CCA representatives testified that Appellant has been on the CCA One Care program since July of 2021. Appellant's provider filed a PA request for 2, one-hour psychotherapy sessions per week. CCA denied the request because the provider is not only out-of-network, but she is not a MassHealth (Medicaid) or Medicare provider. Appellant filed for a Level One internal appeal which CCA denied on April 28, 2025 on the same grounds.

Appellant was resented by her requesting psychotherapy provider who testified that she is in the process of being credentialed to be a provider in both Medicare and Medicaid. According the provider, she would not become a Medicare or Medicaid provider before January 1, 2026. The provider testified that she is currently treating Appellant for a serious condition and is worried that she will decompensate if she does not receive coverage and continue treatment while the provider completes the credentialing process. The provider set forth details about Appellant's condition in her letters dated May 25, 2025 and April 4, 2025 and also cited the CCA handbook which explains that CCA will allow treatment with an out-of-network provider when no in-network provider is available or appropriate to treat the member's condition (Exhibit B). The provider asserts that since receiving treatment, Appellant has had a marked decrease in hospitalizations. The provider opined that if Appellant should now decompensate, it will likely result in more expensive treatment interventions. The provider seeks coverage for Appellant's treatment during the provider's credentialing process.

## Findings of Fact

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

1. Appellant has been on the CCA One Care program since July of 2021.
2. Appellant's provider filed a PA request for 2, one-hour psychotherapy sessions per week.
3. CCA denied the request because the provider is not only out-of-network, but she is not a MassHealth (Medicaid) or Medicare provider.
4. Appellant filed for a Level One internal appeal which CCA denied on April 28, 2025 on the same grounds.

5. The requesting provider is presently not a Medicare or Medicaid provider.

## **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 not met her burden.

This matter is controlled by the undisputed fact that the requesting provider is not currently a Medicare or Medicaid provider and MassHealth regulation 130 CMR 450.231 concerning "General Conditions of Payments" which states under subpart (A): "[e]xcept to the extent otherwise permitted by state or federal regulations, no provider is entitled to any payment from MassHealth unless on the date of service the provider was a participating provider and the person receiving the services was a member."

The provider's reliance on the CCA handbook is misplaced as it concerns coverage when an out-of-network provider would be covered in the event that an in-network provider is not available or appropriate. While Appellant's provider is out-of-network, the controlling fact is that she is not a Medicare or Medicaid (MassHealth) provider.

On this record, Appellant has provided no basis in fact and/or law to disturb the action of MassHealth's agent, CCA. For the foregoing reasons, the appeal is DENIED.

## **Order for MassHealth**

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.

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Kenneth Brodzinski  
Hearing Officer  
Board of Hearings

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

