

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Approved in part; Dismissed in part	<b>Appeal Number:</b>	2509066
<b>Decision Date:</b>	9/2/2025	<b>Hearing Date:</b>	07/16/2025
<b>Hearing Officer:</b>	Emily Sabo		

**Appearance for Appellant:**  
Pro se

**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>	Approved in part; Dismissed in part	<b>Issue:</b>	Prior Authorization; Personal Care Attendant (PCA) Services
<b>Decision Date:</b>	9/2/2025	<b>Hearing Date:</b>	07/16/2025
<b>MassHealth's Rep.:</b>	Robin Brown	<b>Appellant's Rep.:</b>	Pro se
<b>Hearing Location:</b>	Quincy Harbor South (Telephone)	<b>Aid Pending:</b>	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 20, 2025, MassHealth modified the Appellant's prior authorization request for personal care attendant (PCA) services from the requested 51 hours, 45 minutes weekly to 39 hours, 45 minutes weekly. Exhibit 1. The Appellant filed this appeal with the Board of Hearings in a timely manner on June 16, 2025. 130 CMR 610.015 and Exhibit 2. Modification of a prior authorization request is valid grounds for appeal to the Board of Hearings. 130 CMR 610.032.

## Action Taken by MassHealth

MassHealth modified the Appellant's prior authorization request for PCA services.

## Issue

Was MassHealth correct, pursuant to 130 CMR 422.410(A) and 130 CMR 450.204(A), to modify the Appellant's prior authorization request for PCA services from the requested 51 hours, 45 minutes weekly to 39 hours, 45 minutes weekly?

## Summary of Evidence

The hearing was conducted by telephone. The Appellant verified his identity. MassHealth was represented by an Occupational Therapist and clinical appeals reviewer.

The MassHealth representative testified that the Appellant is an adult between the ages of 21-64. The MassHealth representative testified that the Appellant has been diagnosed with spinal stenosis, degenerative joint disease, diabetes, arthritis, chronic pain, torn ligaments, and lymphedema. He experiences frequent falls, 2-3 times per week. The Appellant was hospitalized for two weeks in [REDACTED] for a major bowel obstruction. The Appellant uses a walker to ambulate outside and a cane to ambulate inside his home. The Appellant's personal care management services agency, [REDACTED], submitted a re-evaluation request to MassHealth on the Appellant's behalf for 51 hours, 45 minutes weekly for the period of June 7, 2025, through June 6, 2026. On May 20, 2025, MassHealth modified the authorization to 39 hours, 45 minutes weekly on the grounds that the additionally requested time was not medically necessary because it was longer than ordinarily required for someone with the appellant's needs. The MassHealth representative testified that MassHealth modified the request in two activities of daily living (ADLs): mobility and other health care needs, and one instrumental activity of daily living (IADL): housekeeping.

### Mobility

The MassHealth representative testified that MassHealth modified the time requested for physically assisting the Appellant with his mobility from 175 minutes (5x5x7) to 35 minutes (1x5x7) weekly. The MassHealth representative testified that the time requested did not make sense if the Appellant is able to walk with a cane. The MassHealth representative testified that the Appellant was approved for 35 minutes weekly in this category during the prior year. The MassHealth representative explained that MassHealth modified the time requested for physically assisting the Appellant with stairs from 224 minutes (8x4x7) to zero minutes on the grounds that the Appellant's living space does not have stairs and the PCA program only covers mobility within the home. The MassHealth representative testified that MassHealth modified the time for transfers from 350 minutes (10x5x7) to 105 minutes (3x5x7) on the grounds that it was more appropriate as the Appellant uses a cane.

The Appellant testified that his walking has declined over time and that he will sometimes grab his PCA's shoulder when he is moving using his cane at home. The Appellant also testified that his arthritis is running rampant. He explained that he uses a walker outside, which had been donated by a cerebral palsy organization. The Appellant explained that he tries to get outside each day, and that he wants to be able to participate in life but that he is not always able to, and that he misses being able to participate in activities with his grandchildren. The Appellant testified that he

appreciates the PCA program and that his PCA assists him the best that she can. The Appellant testified that he lives on the second floor of a building but agrees that there are no stairs within his apartment. The Appellant explained that he also uses a wheelchair that he saw someone was going to throw away in a dumpster. The Appellant explained that it has been a hard adjustment going from all that he used to be able to do to his present state. Ultimately, the Appellant agreed to MassHealth's mobility modifications.

The MassHealth representative testified that MassHealth will pay for occupational or physical therapy services and equipment like a wheelchair.

### **Other Healthcare Needs**

The Other Healthcare Needs comments state: "L leg wrapped daily d/t lymphedema. Needs skin check daily d/t increased risk of infection d/t skin breakdown DM II." Exhibit 5 at 29. The MassHealth representative testified that MassHealth modified 140 minutes (20x1x7) to 35 minutes (5x1x7). The MassHealth representative testified that skins checks are a nursing task, not a PCA task. The Appellant explained that his leg wrap involves the PCA putting on his compression sock first, and then wrapping his leg, and that it is done twice a day. Based on the Appellant's testimony, the MassHealth representative agreed to restore time for a total of 70 minutes per week (10x1x7), and the Appellant agreed to this adjustment.

### **Housekeeping**

The MassHealth representative testified that MassHealth modified the time requested for housekeeping from 60 minutes to 45 minutes weekly. The MassHealth representative explained that the documentation indicated that the Appellant was fully dependent for this activity and was unable to participate. The MassHealth representative explained that housekeeping did not include cleaning the kitchen, because that time would fall under meal preparation. The MassHealth representative explained that the Appellant was approved for 60 minutes for housekeeping the previous year because it was not documented that he was living with someone else and that this year's re-evaluation indicates that he lives with a partner. The MassHealth representative explained that the PCA's cleaning services can only be for the Appellant's personal spaces, not shared spaces.

The Appellant testified that his PCA spends much more than 45 minutes weekly performing housekeeping services for him, and that he wanted to stand up for the service she provides. He stated that she can easily spend more than 10 minutes daily cleaning his bedroom. The Appellant said that the PCA spends time just cleaning his personal space. The Appellant explained that his life is somewhat restricted and that he must spend a good portion of his day in his room. The Appellant testified that his PCA also changes his bedding five times per week. The Appellant

testified that he had his prostate removed and that he experiences leakage.<sup>1</sup> Under the instrumental activities of daily living, under the question of, “Does a legally responsible person live with the consumer, Exhibit 5 states the answer is “No.” Exhibit 5 at 30.

## Findings of Fact

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

1. The Appellant is an adult between 21-64 and a MassHealth Standard member (Testimony, Exhibit 4).
2. The Appellant has been diagnosed with spinal stenosis, degenerative joint disease, diabetes, arthritis, chronic pain, torn ligaments, and lymphedema. He experiences frequent falls about 2-3 times per week. The Appellant uses a walker to ambulate outside and a cane to ambulate inside his home (Testimony, Exhibit 5).
3. ██████ submitted a re-evaluation request for PCA services to MassHealth on the Appellant’s behalf for 51 hours and 45 minutes weekly (Testimony, Exhibits 1 & 5).
4. By notice dated May 20, 2025, MassHealth modified the request to allow 39 hours, 45 minutes of PCA assistance per week (Testimony, Exhibits 1 & 5).
5. The time period for this prior authorization request is June 7, 2025, to June 6, 2026 (Testimony, Exhibit 1).
6. MassHealth modified the requested time for Mobility from 749 minutes to 140 minutes weekly. At the hearing, the Appellant agreed to that modification (Testimony, Exhibit 5).
7. MassHealth modified the requested time for Other Healthcare Needs from 140 minutes to 35 minutes weekly. At the hearing, MassHealth agreed to restore time to a total of 70 minutes weekly, which the Appellant agreed to (Testimony, Exhibit 5).
8. ██████ requested, on the Appellant’s behalf, PCA assistance with Housekeeping for 60 minutes weekly (Testimony, Exhibit 5).
9. MassHealth modified the requested time for Housekeeping to 45 minutes weekly (Testimony, Exhibit 5).
10. In ██████████, the Appellant was hospitalized for two weeks for a major bowel

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<sup>1</sup> Documentation in Exhibit 5 also refers to the Appellant’s prostatectomy and related difficulties with his bladder and bowels. Exhibit 5 at 25.

obstruction (Testimony, Exhibit 5).

11. The Appellant's prostate was removed, and he experiences incontinence (Testimony, Exhibit 5).
12. The Appellant's PCA changes his bedding five times per week (Testimony).
13. The Appellant's PCA only performs housekeeping services in his personal space (Testimony).
14. The Appellant filed a timely appeal of the May 20, 2025 notice with the Board of Hearings on June 16, 2025 (Exhibit 2).

## **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 and instrumental activities of daily living as described in 130 CMR 422.410.

### 422.410: Activities of Daily Living and Instrumental Activities of Daily Living

(A) Activities of Daily Living (ADLs). Activities of daily living include the following categories of activities. Any number of activities within one category of activity is counted as one ADL:

- (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 bathing, personal hygiene, or grooming;
- (4) dressing: 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 or 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 PCA services; and
  - (c) other special needs approved by the MassHealth agency as being instrumental to the health care of the member.

(C) Determining the Number of Hours of Physical Assistance. In determining the number of hours of physical assistance that a member requires under 130 CMR 422.410(B) for IADLs, the PCM 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 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.
- (3) The MassHealth agency will consider individual circumstances when determining the number of hours of physical assistance that a member requires for IADLs.

130 CMR 422.410.

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.

130 CMR 450.204(A).

During the hearing, the Appellant agreed to MassHealth's modifications in the area of mobility. Therefore, that part of the appeal is dismissed. Through discussion at hearing, MassHealth

restored a total of 70 minutes weekly for the category of other medical needs (leg wraps) and the Appellant agreed to this modification. Accordingly, that part of the appeal is approved in part and dismissed. 130 CMR 610.035(A)(8).

The only remaining issue in contention is the amount of PCA assistance time for the IADL of housekeeping. I credit the Appellant's testimony that his PCA only performs housekeeping services in his personal space. I also credit his testimony regarding incontinence and that his bedding must be changed five times per week. This is also supported by evidence in the record of his medical history. Accordingly, I find that the 60 minutes requested by [REDACTED] for housekeeping is appropriate considering the Appellant's "individual circumstances." 130 CMR 422.410(C)(3). Consequently, this part of his appeal is approved. In summary, the appeal is approved in part and dismissed in part.

## **Order for MassHealth**

Adjust notice of May 20, 2025, to authorize 70 minutes of PCA assistance weekly for other medical needs and 60 minutes of PCA assistance weekly for housekeeping for the prior authorization period of June 7, 2025, to June 6, 2026.

Send notice to Appellant of implementation only; do not include appeal rights.

## **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 your MassHealth Enrollment Center. 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.

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Emily Sabo  
Hearing Officer  
Board of Hearings

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