

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Dismissed in part; Denied in part	Appeal Number:	2509934
Decision Date:	9/10/2025	Hearing Date:	08/05/2025
Hearing Officer:	Christine Therrien		

Appearance for Appellant:



Appearance for MassHealth:

Kelly Rayen, R.N.

Interpreter:



*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; Denied in part	Issue:	Prior Authorization – PCA services
Decision Date:	9/10/2025	Hearing Date:	08/05/2025
MassHealth’s Rep.:	Kelly Rayen, R.N.	Appellant’s Rep.:	██████████
Hearing Location:	Springfield MassHealth Enrollment Center		

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 6/12/25, MassHealth modified the appellant’s prior authorization request for a personal care attendant (PCA). (130 CMR 422.410 and Exhibit 1). The appellant filed this appeal in a timely manner on 7/3/25. (130 CMR 610.015(B) and Exhibit 2). Modifications of a request for assistance are valid grounds for appeal. (130 CMR 610.032).

Action Taken by MassHealth

MassHealth modified the appellant’s request for PCA services.

Issue

The issue is whether MassHealth was correct, under 130 CMR 422.410, 422.412, and 450.204, in modifying the appellant’s prior authorization request for PCA services.

Summary of Evidence

The MassHealth representative testified that the appellant is [REDACTED] years old with primary diagnoses of paraplegia (chest down) and Kidney Failure. The appellant is now undergoing home renal dialysis 5 days a week. The appellant lives alone.¹ The MassHealth representative testified that, based on the Occupational Therapy Functional Status Report, performed during the initial evaluation on 8/27/24, the appellant is independent with mobility, grooming, toileting, eating, PROM, transfers on/off the toilet, and meal preparation. The MassHealth representative testified that the appellant requires minimal assistance with bathing, dressing, transfers in/out of bed, and transfers in/out of the tub/shower. The MassHealth representative testified that the appellant requires maximum assistance with housekeeping and moderate assistance with laundry and shopping.

The MassHealth representative testified that a Prior Authorization Adjustment Request for personal care attendant hours was submitted to MassHealth on 6/4/25 by [REDACTED] requesting an adjustment from 9 day/evening hours per week to 45 hours and 45 minutes of day/evening hours per week, and from zero hours to 14 nighttime hours per week for a total of 59 hours and 45 minutes per week.

The request for adjustment states it is due to a change in the functional status of the appellant. The appellant has “impaired balance and poor trunk control, increased weakness/fatigue due to now undergoing dialysis 5 days per week.” (Exhibit 5).

The MassHealth representative testified that MassHealth modified this request on 6/12/25 to 47 hours and 15 minutes total per week, including 14 nighttime PCA hours per week. The dates of service are from 6/4/25 to 9/5/25.

The MassHealth representative approved the requested time for repositioning (10 minutes, 8 times a day, seven days a week), dressing and undressing (25 minutes, once a day, 7 days per week), and laundry (60 minutes per week). Both parties agreed to 2 minutes, once a night, 7 days per week, for assistance with medications.² The appeal of these issues is **dismissed**.

The MassHealth representative testified that MassHealth modified the request for bathing. The MassHealth representative testified that the time requested for bathing was 40 minutes once a day, seven days a week, and MassHealth modified it to 30 minutes, once a day, 7 days per week. The MassHealth representative testified that this portion of the request was modified because the time that was requested for bathing is longer than ordinarily required for someone with his documented physical needs. The appellant previously had 20 minutes, once a day, 7 days per week, for bathing. The MassHealth representative testified that the appellant requires minimal assistance with bathing, so 20 minutes should be sufficient, as the appellant demonstrated

¹ At the time of the initial evaluation, the appellant lived with his stepdaughter, but he had to move out because it violated the lease agreement.

² Any number of nighttime hours is rounded up to two hours per night, totaling 14 hours a week.

upper extremity use at the time of the evaluation.

The appellant's spouse testified that the appellant moved in June and no longer has access to a bath and requires a "bed bath" in his wheelchair.

The MassHealth representative testified that the PCA program does not cover time for the PCA to wait while the appellant performs a task.

The appellant's spouse testified that the appellant has such poor trunk control that he needs to use his arms to hold himself up and therefore cannot fully participate in bathing himself.

The MassHealth representative testified that MassHealth modified the request for grooming. The MassHealth representative testified that the time requested for grooming was 15 minutes once a day, seven days a week, and MassHealth modified it to 10 minutes, once a day, 7 days per week. The MassHealth representative testified that this was modified because the time that was requested for grooming is longer than ordinarily required for someone with his documented physical needs. The appellant previously had zero time for grooming. The MassHealth representative testified that the requested time was broken down on a separate page as follows: 5 minutes, once a day, 7 days per week totaling 35 minutes per week for skin care/deodorant/skin checks (pressure ulcers to buttocks), 5 minutes, 2 times a day, 7 days per week for a total of 70 minutes per week for oral care (brush/floss/mouthwash), and 10 minutes, once a week for nail care. This totals 115 minutes per week for grooming.³ The MassHealth representative testified that 15 minutes a day, 7 days per week, equals 105 minutes per week. When the requested time for grooming was broken down by specific category, it was 10 minutes more than what was contained on the request form, which may have just been a clerical error. The MassHealth representative testified that the OT evaluation in August 2024 listed him as independent with all grooming tasks. The MassHealth representative testified that the Adjustment Request doctor note states the appellant has poor grasp and weakness.

The appellant's spouse testified that the appellant can perform tasks with his upper extremities but not with his lower extremities.

The MassHealth representative testified that MassHealth modified the request for toileting (catheter and ostomy care). The MassHealth representative testified that the time requested for toileting was 10 minutes, 5 times a day, seven days a week. MassHealth modified the request to 5 minutes, 4 times a day, 7 days per week for catheter care and 10 minutes, once a day, 7 days per week for ostomy care. The MassHealth representative testified that this was modified because the time that was requested for toileting is longer than ordinarily required for someone with his documented physical needs. The appellant previously had zero time for toileting and was

³ Approximately 16.43 minutes per day.

reported as independent with emptying his catheter and ostomy bags.

The appellant's spouse testified that the appellant cannot empty the catheter and ostomy bags himself. The appellant's spouse testified that the appellant requires the ostomy bag to be emptied 2 or 3 times a day. The appellant's spouse testified that due to dialysis, the appellant's catheter bag requires emptying once a day. The appellant's spouse testified that, in reality, it usually does not take that long, but sometimes it takes longer.

The MassHealth representative testified that MassHealth modified the request for dialysis setup and clean-up. The MassHealth representative testified that the time requested for dialysis setup and clean-up was 60 minutes, once a day, five days a week, and MassHealth modified it to 20 minutes, once a day, five days a week. The MassHealth representative testified that this was modified because the time that was requested for dialysis setup and clean-up is longer than ordinarily required for someone with his documented physical needs. The MassHealth representative testified that MassHealth only pays for time for hands-on assistance, which means setting up and cleaning up the dialysis, and does not include wait time.

The appellant's spouse testified that the appellant's blood pressure needs to be checked during dialysis.

The MassHealth representative testified that the documentation must match the request, and the time for checking blood pressure was not requested.

Findings of Fact

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

1. The appellant is ■ years old with primary diagnoses of paraplegia (chest down) and Kidney Failure.
2. The appellant is now undergoing home renal dialysis 5 days a week.
3. The appellant lives alone.
4. Based on the Occupational Therapy Functional Status Report, performed during the initial evaluation on 8/27/24, the appellant is independent with mobility, grooming, toileting, eating, PROM, transfers on/off the toilet, and meal preparation. The appellant requires minimal assistance with bathing, dressing, transfers in/out of bed, and transfers in/out of the tub/shower. The appellant requires maximum assistance with housekeeping and moderate assistance with laundry and shopping.

5. A Prior Authorization Adjustment Request for personal care attendant hours was submitted to MassHealth on 6/4/25 by [REDACTED] requesting an adjustment from 9 day/evening hours per week, to 45 hours and 45 minutes of day/evening hours per week, and from zero hours to 14 nighttime hours per week, for a total of 59 hours and 45 minutes per week.
6. The request for adjustment states it is due to a change in the functional status of the appellant. The appellant has “impaired balance and poor trunk control, increased weakness/fatigue due to now undergoing dialysis 5 days per week.” (Exhibit 5).
7. MassHealth modified this request on 6/12/25 to 47 hours and 15 minutes total day/evening/night hours per week.
8. The dates of service are from 6/4/25 to 9/5/25.
9. The MassHealth representative approved the requested time for repositioning (10 minutes, 8 times a day, seven days a week), dressing and undressing (25 minutes, once a day, 7 days per week), and laundry (60 minutes per week). Both parties agreed to 2 minutes, once a night, 7 days per week, for assistance with administering medications. The appeal of these issues is **dismissed**.
10. MassHealth modified the request for bathing. The time requested for bathing was 40 minutes once a day, seven days a week, and MassHealth modified it to 30 minutes, once a day, 7 days per week. This was modified because the time that was requested for bathing is longer than ordinarily required for someone with the appellant’s documented physical needs.
11. The appellant previously had 20 minutes, once a day, 7 days per week, for bathing. The appellant requires minimal assistance with bathing, as the appellant demonstrated upper extremity use at the time of the evaluation.
12. The appellant moved in June and no longer has access to a bath and requires a “bed bath” in his wheelchair.
13. The PCA program does not cover time for the PCA to wait while the appellant performs a task.
14. The appellant has poor trunk control.
15. MassHealth modified the request for grooming. The time requested for grooming was 15 minutes once a day, seven days a week, and MassHealth modified it to 10 minutes, once a day, 7 days per week. This was modified because the time that was requested for

grooming is longer than ordinarily required for someone with the appellant's documented physical needs. The appellant previously had zero time for grooming. The requested time was broken on a separate page as follows: 5 minutes, once a day, 7 days per week totaling 35 minutes per week for skin care/deodorant/skin checks (pressure ulcers to buttocks), 5 minutes, 2 times a day, 7 days per week for a total of 70 minutes per week for oral care (brush/floss/mouthwash), and 10 minutes, once a week for nail care. This totals 115 minutes per week for grooming. MassHealth's modifications to 15 minutes a day, 7 days per week, equals 105 minutes per week. When the requested time for grooming was broken down by specific category, it was 10 minutes more than what was contained on the request form. The OT evaluation in August 2024 listed him as independent with all grooming tasks. The Adjustment Request doctor note states the appellant has poor grasp and weakness.

16. The appellant can perform tasks with his upper extremities but not with his lower extremities.
17. MassHealth modified the request for toileting (catheter and ostomy care). The time requested for toileting was 10 minutes, 5 times a day, seven days a week. MassHealth modified the request to 5 minutes, 4 times a day, 7 days per week for catheter care and 10 minutes, once a day, 7 days per week for ostomy care. This was modified because the time that was requested for toileting is longer than ordinarily required for someone with the appellant's documented physical needs. The appellant previously had zero time for toileting and was reported as independent with emptying his catheter and ostomy bags.
18. The appellant cannot empty the catheter and ostomy bags himself. The appellant requires the ostomy bag to be emptied 2-3 times a day. Due to dialysis, the appellant's catheter bag requires emptying once a day. It usually does not take as long as was requested, but sometimes it takes longer.
19. MassHealth modified the request for dialysis setup and clean-up. The time requested for dialysis setup and clean-up was 60 minutes, once a day, five days a week, and MassHealth modified it to 20 minutes, once a day, five days per week. This was modified because the time that was requested for dialysis setup and clean-up is longer than ordinarily required for someone with the appellant's documented physical needs. MassHealth only pays for time for hands-on assistance, which means setting up and cleaning up the dialysis, and does not include wait time.
20. The appellant's blood pressure needs to be checked during dialysis.

Analysis and Conclusions of Law

MassHealth covers personal care services provided to eligible MassHealth members who can be appropriately cared for in the home when all the following conditions are met:

- (1) The personal care services 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 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.
- (4) The Division has determined that the PCA services are medically necessary and has granted a prior authorization for PCA services.

(130 CMR 422.403(C))

MassHealth will pay for PCA services provided to MassHealth members who can be appropriately cared for in the home. (130 CMR 422.401 *et seq.*). The member must require physical assistance. The personal care agency determines the extent of the personal care services provided by a paid PCA. (130 CMR 422.403). Personal care services consist of physical assistance with activities of daily living (ADLs). (130 CMR 422.410(A)).

120 CMR 422.410: Activities of Daily Living and Instrumental Activities of Daily Living

- (A) Activities of Daily Living. 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 the MassHealth agency as being instrumental to the health care of the member.

The requested services must also be medically necessary for prior authorization to be approved. (130 CMR 450.204). 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) A service is “medically necessary” if:

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

Regulations at 130 CMR 422.412 describe non-covered PCA services, as follows:

MassHealth does not cover any of the following as part of the PCA program or the transitional living program. (130 CMR 422.412).

- (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;
- (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; or
- (G) surrogates, as defined in 130 CMR 422.402.
- (H) PCA services provided to a member without the use of EVV as required by the MassHealth agency.

Per 130 CMR 503.007, MassHealth is the payer of last resort and only pays for health care and related services when no other source of payment is available, except as otherwise required by federal law.

- (A) Health Insurance. Every applicant and member must obtain and maintain available health insurance in accordance with 130 CMR 505.000: Health Care Reform: MassHealth: Coverage Types. Failure to do so may result in loss or denial of eligibility unless the applicant or member is
 - (1) receiving MassHealth Standard or MassHealth CommonHealth; and
 - (2) younger than ■ years old or pregnant.
- (B) Use of Benefits. The MassHealth agency does not pay for any health care and related services that are available
 - (1) through the member's health-insurance, if any; or
 - (2) at no cost to the member including, but not limited to, any such services that are available through any agency of the local, state, or federal government, or any entity legally obligated to provide those services.

The MassHealth representative testified that there were ten modifications. The MassHealth representative approved the requested time for repositioning (10 minutes, 8 times a day, seven days a week), dressing and undressing (25 minutes, once a day, 7 days per week), and laundry (60 minutes per week). Both parties agreed to 2 minutes, once a night, 7 days per week, for

medication. The appeal of these issues is **dismissed**.

The time requested for bathing was 40 minutes once a day, seven days a week, and MassHealth modified it to 30 minutes, once a day, 7 days per week. MassHealth modified the time that was requested for bathing because it is longer than ordinarily required for someone with the appellant's documented physical needs. The appellant previously had 20 minutes, once a day, 7 days per week, for bathing, which took place in a shower. Since the appellant moved and no longer has access to a shower, he is given a stationary bath in his wheelchair. The appellant's spouse testified that the appellant is capable of using his upper extremities, despite the appellant's poor trunk control; therefore, he can assist with some of the bathing. MassHealth does not pay for the time to wait while the appellant bathes as much of himself as possible. For this reason, the appeal of the modification to the request for bathing is **DENIED**.

The time requested for grooming was 15 minutes once a day, seven days a week, and MassHealth modified it to 10 minutes, once a day, 7 days per week. MassHealth modified the time that was requested for grooming because it is longer than ordinarily required for someone with the appellant's documented physical needs. The appellant previously had zero time for grooming. The requested time was broken on a separate page as follows: 5 minutes, once a day, 7 days per week totaling 35 minutes per week for skin care/deodorant/skin checks (pressure ulcers to buttocks), 5 minutes, 2 times a day, 7 days per week for a total of 70 minutes per week for oral care (brush/floss/mouthwash), and 10 minutes, once a week for nail care. This totals 115 minutes per week for grooming. The MassHealth representative testified that 15 minutes a day, 7 days per week, equals 105 minutes per week. When the requested time for grooming was broken down by specific category, it was 10 minutes more than what was contained on the request form. The OT evaluation in August 2024 listed him as independent with all grooming tasks. The Adjustment Request doctor note states the appellant has poor grasp and weakness. The appellant has been approved for 70 minutes every week for these tasks, which he can participate in based on the appellant's spouse's testimony; therefore, the appeal of the modifications to the request for grooming is **DENIED**.

The time requested for toileting (catheter and ostomy care) was 10 minutes, 5 times a day, seven days a week. MassHealth modified the request to 5 minutes, 4 times a day, 7 days per week for catheter care and 10 minutes, once a day, 7 days per week for ostomy care. MassHealth modified the request because the time that was requested for toileting is longer than ordinarily required for someone with the appellant's documented physical needs. The appellant previously had zero time for toileting and was reported as independent with emptying his catheter and ostomy bags. The appellant's spouse testified that the appellant can no longer perform these tasks himself. While the appellant cannot perform these tasks himself, the frequency for catheter care is only once a day, and ostomy care is 2-3 times a day. The appellant has been approved for 30 minutes every day for these tasks, which is enough time based on the appellant's spouse's testimony; therefore, the appeal of the modifications to the request for toileting is **DENIED**.

The time requested for dialysis setup and clean-up was 60 minutes, once a day, five days a week, and MassHealth modified it to 20 minutes, once a day, five days a week. MassHealth modified the time that was requested for dialysis setup and clean-up because it is longer than ordinarily required for someone with the appellant's documented physical needs. MassHealth only pays for time for hands-on assistance, which means setting up and cleaning up the dialysis equipment, and does not include wait time. While the appellant may require blood pressure monitoring during dialysis, the request did not indicate the need for any PCA assistance with this need. For this reason, the appeal of the modifications to the request for dialysis setup and clean-up is **DENIED**.

Order for MassHealth

None, other than the implementation of the time approved by MassHealth at the appeal hearing.

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.

Christine Therrien
Hearing Officer
Board of Hearings

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