

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2509997
<b>Decision Date:</b>	9/24/2025	<b>Hearing Date:</b>	08/06/2025
<b>Hearing Officer:</b>	Kimberly Scanlon		

**Appearance for Appellant:**



**Appearance for MassHealth:**

Donna Burns, R.N.



*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>	Prior Authorization – PCA Services
<b>Decision Date:</b>	9/24/2025	<b>Hearing Date:</b>	08/06/2025
<b>MassHealth’s Rep.:</b>	Donna Burns, R.N.	<b>Appellant’s Rep.:</b>	Guardian
<b>Hearing Location:</b>	Quincy Harbor South 1 (Remote)	<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 June 12, 2025, MassHealth modified the appellant's prior authorization (PA) request for personal care attendant (PCA) services from the requested 38 hours and 45 minutes of PCA assistance per week, to 37 hours and 30 minutes per week. (Exhibit 1). The appellant filed this appeal in a timely manner on or about July 7, 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]. His primary medical diagnoses include autism, obesity, and cognitive delays. (Exhibit 7, p. 10). 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 June 10, 2025, seeking 38 hours and 45 minutes of PCA assistance per week. The MassHealth representative testified that by notice dated June 12, 2025, MassHealth modified the requested time to 37 hours and 30 minutes of PCA assistance per week, for one year. (Exhibit 1). The dates of service for this PA request are July 4, 2025, through July 3, 2026. (Exhibit 1, p. 2).

The MassHealth representative stated that there were 2 modifications made. First, MassHealth modified the category of “Grooming (nail care)” from the requested time of 10 minutes, once per day, 7 days per week to 10 minutes, once per day, 2 days per week. MassHealth’s rationale for the modification in this category is that the documentation submitted on behalf of the appellant indicates that the frequency requested for nail care is longer than ordinarily required. The MassHealth representative explained that the appellant was approved for 10 minutes, once per week for PCA assistance in this category last year and inquired if there was a medical reason that requires the appellant to have his nails groomed every day this year.

The appellant’s representative appeared at the hearing by telephone. The appellant’s representative testified that he has high blood pressure, and his overall medical condition has worsened this year. As a result, he cannot care for the appellant as much as he could last year. He stated that the appellant has become increasingly upset because he does not understand his guardian’s current medical condition. The MassHealth representative asked the appellant’s representative if he is also the appellant’s PCA; the appellant’s representative stated that he was not his PCA, but he is the appellant’s legal guardian.

The MassHealth representative asked why it would take more than twice per week for the appellant’s PCA to provide nail care to the appellant. The appellant’s representative reiterated that the appellant requires additional PCA assistance in this category given his (the appellant’s representative) current medical condition. He explained that he has been the appellant’s sole legal guardian and caregiver since he was born. The MassHealth representative explained that the PCA program is a hands-on program and the time authorized for PCA assistance in this category is for the time it takes the PCA to assist the appellant with nail care.

The second modification made was in the “Grooming (shaving)” category (Exhibit 7, p. 19). MassHealth modified the requested time for PCA assistance in this category from 20 minutes, once per day, 4 days per week to 15 minutes, once per day, 4 days per week. 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 shaving is longer than ordinarily required. The MassHealth representative explained that the appellant was approved for 10 minutes, once per day, 4 days per week for PCA assistance in this category last year; MassHealth approved 15 minutes, 4 days per week this year. The appellant's father stated that the appellant's hair grows more frequently this year and he has become more difficult to manage when shaving. He stated that no one else can assist the appellant with shaving and the appellant's representative is the only one who can assist the appellant with this task. The MassHealth representative reiterated that the PCA program is a hands-on program and the time authorized for PCA assistance in this category is for the time it takes the PCA to assist the appellant with shaving.

## Findings of Fact

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

1. The appellant is over the age of [REDACTED] and he is a MassHealth member.
2. The appellant's medical diagnoses include autism, obesity, and cognitive delays.
3. The [REDACTED] a PCM agency, submitted a PA re-evaluation request to MassHealth on the appellant's behalf on June 10, 2025, seeking the following: 38 hours and 45 minutes of day/evening PCA assistance per week.
4. By notice dated June 12, 2025, MassHealth modified the requested PCA assistance time to: 37 hours and 30 minutes of day/evening PCA assistance per week.
5. The PA request at issue covers the time period of July 4, 2025, through July 3, 2026.
6. The appellant requested time for assistance with nail care as follows: 10 minutes, once per day, 7 days per week.
7. MassHealth modified the requested frequency for PCA assistance with nail care to 10 minutes, once per day, 2 days per week.
8. The appellant requested time for assistance with shaving as follows: 20 minutes, once per day, 4 days per week.
9. MassHealth modified the requested time for PCA assistance with shaving to 15 minutes, once per day, 4 days per week.
10. The PCA program is a hands-on, time-for-task program and the time authorized for PCA assistance is the time it takes the PCA to assist members with each task.

## 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.

At issue in this appeal were modifications of time (and/or frequency) requested for PCA assistance for the appellant with the following ADL: Grooming (nail care and shaving).

### **Grooming (nail care)**

The appellant requested 10 minutes of assistance for nail care, once per day, 7 days per week (10 x 1 x 7). MassHealth modified the requested frequency for nail care to 2 days per week (10 x 1 x 2). The appellant's representative disagreed with this modification, arguing that given his current medical condition, the appellant needs additional time for PCA assistance. The appellant did not present any compelling evidence to demonstrate that nail care is required more than 2 days per week. The appellant's testimony, while credible, does not support the medical necessity of PCA assistance in this category more than 2 days per week. (See, 130 CMR 450.204). Additionally, the documentation that was submitted on behalf of the appellant does not indicate that it is medically necessary for the PCA to assist the appellant with nail care more than 2 days per week. (See, Exhibit 7, p. 19). MassHealth has provided adequate support for its determination here, and this portion of the appeal is denied.

### **Grooming (shaving)**

The appellant requested 20 minutes of assistance for shaving, once per day, 4 days per week. MassHealth modified the requested time in this category to 15 minutes, once per day, 4 days per week. The appellant's representative disagreed with this modification, arguing that the appellant's facial hair grows more frequently and he will not let anyone (except for his guardian) assist him with shaving. The appellant did not present any compelling evidence to demonstrate that the requested time for PCA assistance in this category takes longer than 15 minutes, once per day, 4 days per week. As noted by the MassHealth representative, the time authorized for PCA assistance is for the time that it takes the PCA to assist the appellant with shaving. In this case, the appellant's representative testified that he – not the PCA – assists the appellant with this task. MassHealth has provided adequate support for its determination here, and this portion of the appeal is denied.

For these reasons, this 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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Kimberly Scanlon  
Hearing Officer  
Board of Hearings

cc:

[REDACTED]

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