

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision: Dismissed in part;
Denied in part

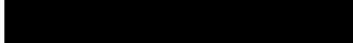
Appeal Number: 2510322

Decision Date: 9/8/2025

Hearing Date: 08/14/2025

Hearing Officer: Sharon Dehmand

Appearance for Appellant:



Appearance for MassHealth:

Heather Adams, Clinical Reviewer, Optum
Donna Burns, Optum Observer



*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; Personal Care Attendant (PCA) Services
Decision Date:	9/8/2025	Hearing Date:	08/14/2025
MassHealth's Rep.:	Heather Adams, R.N. Donna Burns, R.N.	Appellant's Rep.:	
Hearing Location:	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 June 12, 2025, MassHealth modified the appellant's prior authorization request for personal care attendant (PCA) services. See 130 CMR 450.204; 130 CMR 422.410; 130 CMR 422.412; and Exhibit 1. The appellant's representative filed a timely appeal on July 14, 2025. See 130 CMR 610.015(B) and Exhibit 2. A decision regarding the scope or amount of assistance is valid ground for appeal before the Board of Hearings. See 130 CMR 610.032(A)(3).

Action Taken by MassHealth

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

Issue

Whether MassHealth was correct in modifying the appellant's request for PCA services pursuant to 130 CMR 422.410.

Summary of Evidence

All parties participated telephonically. MassHealth was represented by a registered nurse and clinical appeals reviewer. The appellant's mother appeared on her behalf and verified her identity. The following is a summary of the testimony and evidence provided at the hearing:

The MassHealth representative testified that the documentation submitted shows that the appellant is a child who has primary diagnoses of cerebral palsy, seizure disorder, decreased environmental awareness, and decreased sensory integration and modulation. On June 10, 2025, the appellant's personal care management (PCM) agency, [REDACTED] submitted a prior authorization for PCA services requesting 13 hours per week for 40.14 school weeks and 13 hours and 30 minutes per week for 12 vacation weeks. This request was applicable to dates of service of June 12, 2025 to June 11, 2026. On June 12, 2025, MassHealth modified the request to 8 hours per week during school weeks and 8 hours per week during vacation weeks. MassHealth made three (3) modifications related to PCA assistance, namely: mobility (stairs); toileting (bowel care); and meal preparation. See generally Exhibit 6.

Based on the testimony at the hearing, the appellant agreed with MassHealth's modifications made to time requested for PCA assistance with mobility (stairs - 5x6x7)¹ for both school weeks and vacation weeks and toileting (bowel care – 7x1x7) for both school weeks and vacation weeks. The only modification remaining in dispute during the hearing was for the PCA service hours for meal preparation. The appellant requested 15 minutes per day, 7 days per week for lunch preparation during the school weeks and 15 minutes per day, 5 days per week for lunch preparation during the vacation weeks. MassHealth denied this request because the parent is legally responsible to provide child consumers with assistance with Instrumental Activities of Daily Living (IADLs).

The appellant's representative testified that the appellant requires PCA service hours for meal preparation because the appellant cannot access the refrigerator to get her lunch, is unable to clean up after herself, and requires assistance with cleaning her face during meals.

The MassHealth representative responded that these tasks are the responsibility of the parent but feeding tasks can be requested separately. The appellant's representative confirmed that the appellant does not require any help with feeding.

Findings of Fact

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

¹ The notation (AxBxC) refers to A minutes per session, B times per day, C days per week.

1. The appellant is a child who has primary diagnoses of cerebral palsy, seizure disorder, decreased environmental awareness, and decreased sensory integration and modulation. (Testimony and Exhibit 6).
2. On June 10, 2025, MassHealth received a prior authorization request for PCA services requesting 13 hours per week during school weeks and 13 hours and 30 minutes per week during vacation weeks. This request was applicable to dates of service of June 12, 2025 to June 11, 2026. (Testimony and Exhibit 6).
3. On June 12, 2025, MassHealth modified the request to 8 hours per week during school weeks and 8 hours per week during vacation weeks. (Testimony and Exhibit 1).
4. MassHealth made three (3) modifications related to PCA assistance, namely: mobility (stairs); toileting (bowel care); and meal preparation. (Testimony and Exhibit 1).
5. At the hearing, the appellant agreed with MassHealth's modifications made to time requested for PCA assistance with mobility (stairs) and toileting (bowel care) which resolved the disputes related to PCA assistance with those tasks. (Testimony).
6. The appellant requested 15 minutes per day, 7 days per week for lunch preparation during the school weeks and 15 minutes per day, 5 days per week for lunch preparation during the vacation weeks. (Testimony and Exhibit 6).
 - a. The appellant lives with a responsible parent. (Testimony).
 - b. The appellant does not require assistance with feeding. (Testimony).
7. MassHealth denied the appellant's requested time for meal preparation. (Testimony and Exhibit 1).
8. The appellant's representative filed a timely appeal on July 14, 2025. (Exhibit 2).

Analysis and Conclusions of Law

Regulations concerning personal care attendant (PCA) services are found at 130 CMR 422.000, et seq. PCA is defined as a person who is hired by the member or surrogate to provide PCA services. See 130 CMR 422.402. PCA services are physical assistance with activities of daily living (ADLs) and instrumental activities of daily living (IADLs), as described in 130 CMR 422.410. Id.

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

- (1) The PCA services are authorized for the member in accordance with 130 CMR 422.416.
- (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 PCM agency, requires physical assistance with two or more of the ADLs as defined in 130 CMR 422.410(A).
- (4) The MassHealth agency has determined that the PCA services are medically necessary.²

See 130 CMR 422.403(C).

The regulations concerning ADLs and IADLs in 130 CMR 422.410 are as follows:

(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.

² 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. See 130 CMR 450.204(A).

(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.

Here, there is no dispute that the appellant meets all the requirements to qualify for PCA services. The issue is whether MassHealth allowed sufficient time in accordance with the program regulations.

The following are considered “non-covered services” in the PCA 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.

See 130 CMR 422.412.

MassHealth will consider individual circumstances in determining the number of hours of PCA services that a member needs, but “[w]hen 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.” See 130 CMR 422.410(C)(1). Family members include “the spouse of the member, the parent of a minor member, including an adoptive parent, or any legally responsible relative.” See 130 CMR 422.402.

At issue in this appeal were modifications of time requested for PCA assistance for the appellant with both ADLs and an IADL. The following ADLs were the subject of modifications: mobility (stairs) and toileting (bowel care). The following IADL was the subject of a modification: meal preparation.

At the hearing, the appellant’s representative agreed to the modifications that MassHealth made in the following categories:

Mobility (stairs): MassHealth modified the requested time of 5 minutes, 8 times per day, 2 days per week for vacation weeks and 5 minutes, 6 times per day, 5 days per week for school weeks to 5 minutes, 6 times per day, 7 days per week for both weeks;

Toileting (bowel care): MassHealth modified the requested time of 10 minutes, once per day, 7 days per week for both vacation weeks and school weeks to 7 minutes, once per day, 7 days per week for both weeks;

The appellant’s representative accepted the modifications made by MassHealth as described above. Since the parties reached a resolution regarding these issues, these portions of the appeal are DISMISSED in accordance with 130 CMR 610.035(A)(8).

One modification to the requested time for an IADL remained in dispute, namely: meal preparation.

Meal preparation:

MassHealth reported that the appellant was not approved for assistance with meal preparation because this is an IADL whose responsibility falls on a parent. In this case, the appellant's mother confirmed that the appellant does not require any help with feeding. She stated that the reason the appellant requires PCA service hours for meal preparation is because she cannot access the refrigerator to get her lunch, is unable to clean up after herself, and requires assistance with cleaning her face during meals. MassHealth regulations specifically place the responsibility for these tasks on the member's parent when the member is a minor living with a parent. See 130 CMR 422.410(C)(1); 130 CMR 422.402.

As the appellant has failed to demonstrate the invalidity of the administrative determination by a preponderance of the evidence, the appellant's request for time for this task is DENIED. See Andrews v. Division of Medical Assistance, 68 Mass. App. Ct. 228 (2007); Craven v. State Ethics Comm'n, 390 Mass. 191, 200 (1983).

For the foregoing reasons, the appeal is DISMISSED in part and DENIED in part.

Order for MassHealth

For the PA period beginning on June 12, 2025 ending on June 11, 2026 approve the following PCA service hours:

- Mobility (stairs): 5 minutes, 6 times per day, 7 days per week for both school weeks and vacation weeks;
- Toileting (bowel care): 7 minutes, once per day, 7 days per week for both school weeks and vacation weeks;

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.

Sharon Dehmand, Esq.
Hearing Officer
Board of Hearings

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