

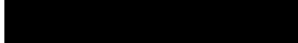
**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2510324
Decision Date:	11/10/2025	Hearing Date:	08/28/2025
Hearing Officer:	Christine Therrien		

Appearance for Appellant:



Appearance for MassHealth/Optum:

Kelly Rayen, RN



*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:	Denied	Issue:	Prior Authorization PCA services
Decision Date:	11/10/2025	Hearing Date:	08/28/2025
MassHealth/Optum's Rep.:	Kelly Rayen, RN	Appellant's Rep.:	Parent
Hearing Location:	Quincy Harbor South Virtual		

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 7/2/25, MassHealth modified the appellant's prior authorization request for a personal care attendant (PCA) service. (130 CMR 422.410 and Exhibit 1). The appellant filed this appeal in a timely manner on 7/12/25. (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 a prior authorization (PA) reevaluation request for 37 hours and 30 minutes per week for 42.14 school weeks, and 40 hours per week for 10 vacation weeks, for personal care attendant (PCA) services was submitted by [REDACTED] on 6/30/25. The MassHealth representative testified that the PA for PCA services is applicable for dates of service beginning 9/9/25 and ending 9/8/26. The MassHealth representative testified that MassHealth modified the request to 19 hours and 30 minutes per week for school weeks and 21 hours per week for vacation weeks. The appellant is [REDACTED] years old with a primary diagnosis of [REDACTED]. The appellant also has developmental delays, is legally blind, has no safety awareness, is incontinent, and has anxiety and behavioral issues. The MassHealth representative testified that the appellant lives at home with his parents.

The MassHealth representative testified that the appellant is listed as requiring maximum assistance with toileting. The MassHealth representative testified that the appellant requested time for bladder care as 10 minutes, 6 episodes per day, 5 days per week for school weekdays, 10 minutes, 8 episodes, 2 days per week for school weekends, and 10 minutes, 8 episodes per day, 7 days per week for vacation weeks. The MassHealth representative testified that MassHealth modified this request to 7 minutes, 4 times per day, 5 days per week for school weeks, 7 minutes, 6 times per day, 2 days per week for school weekends; and 7 minutes, 6 times per day, 7 days per week for vacation weeks. The MassHealth representative testified that these modifications were made because the time requested is longer than ordinarily required for someone with the appellant's needs. The MassHealth representative testified that the appellant was allotted 10 minutes per episode last year.

The appellant's father testified that the appellant has a sensory disorder, so he must be completely undressed, or he will not use the toilet. The appellant's father testified that the appellant tries to assist with undressing, but he has poor balance and can only take off his socks and his diaper after his pants are removed.

The MassHealth representative testified that MassHealth will only pay for hands-on assistance and does not pay for time to wait while the appellant performs a task.

The MassHealth representative testified that the appellant requested 10 minutes, 2 times per night, seven days per week, for nighttime bladder care. The MassHealth representative testified that MassHealth modified this request to 0 because there is no clinical documentation that states the appellant has excessive urination requiring nighttime toileting. The MassHealth representative testified that the appellant wears diapers at night that can hold 20-50 ounces of fluid and keep the moisture away from the appellant's skin. The MassHealth representative testified that these diapers should be sufficient to keep the appellant from leaking through his diaper overnight. The MassHealth representative testified that MassHealth will pay for the least costly alternative, which includes nighttime diapers. The MassHealth representative testified that nighttime PCA hours begin at midnight, and she questioned whether the appellant could

be toileted prior to bed.

The appellant's father testified that the appellant usually has to have his bed linens changed once per night and that he had to purchase a new mattress due to the smell. The appellant's father testified that the appellant leaks through the MassHealth-provided diapers, so he purchases his own nighttime diapers. The appellant's father testified that the appellant usually wakes between 11 pm and 1 am fully unclothed and soaked through his clothing. The appellant's father testified that [REDACTED] causes sleep disturbances. The appellant's father testified that he and his spouse are sleep-deprived and are using PCA at night for toileting.

The MassHealth representative testified that the appellant requested 50 minutes, 1 time per day, seven days per week, during vacation weeks, for eating. The MassHealth representative testified that MassHealth modified this request to 15 minutes, 3 times per day, seven days per week because the time requested is longer than ordinarily required for someone with the appellant's needs

The appellant's father testified that it usually takes a long time for the appellant to eat because they help him pierce/scoop his food, and often the food falls, and this process has to be repeated. The appellant's father testified that during vacation weeks, the appellant eats more frequently.

The MassHealth representative testified that there was no time requested for snacks.

Findings of Fact

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

1. On 6/30/25, a PA reevaluation request for 37 hours and 30 minutes per week for 42.14 school weeks, and 40 hours per week for 10 vacation weeks, for PCA services was submitted by [REDACTED] on the appellant's behalf.
2. The PA for PCA services is applicable for dates of service beginning 9/9/25 and ending 9/8/26.
3. MassHealth modified the request to 19 hours and 30 minutes per week for school weeks and 21 hours per week for vacation weeks.
4. The appellant is [REDACTED] years old with a primary diagnosis of [REDACTED]. The appellant also has developmental delays, is legally blind, has no safety awareness, is incontinent, and has anxiety and behavioral issues.
5. The appellant lives at home with his parents.

6. The appellant requires maximum assistance with toileting.
7. The appellant requested time for bladder care as 10 minutes, 6 episodes per day, five days per school weekdays, 10 minutes, 8 episodes, 2 days per week for school weekends, and 10 minutes, 8 episodes per day, seven days per week for vacation weeks.
8. MassHealth modified this request to 7 minutes, 4 times per day, 5 days per week for school weekdays; 7 minutes, 6 times per day, 2 days per week for school weekends; and 7 minutes, 6 times per day, 7 days per week for vacation weeks.
9. The MassHealth modified this request because the time requested is longer than ordinarily required for someone with the appellant's needs.
10. The appellant was allotted 10 minutes per episode of bladder care last year.
11. The appellant has a sensory disorder, so he must be completely undressed, or he will not use the toilet.
12. The appellant has poor balance and can only take off his socks and his diaper after his pants are removed.
13. MassHealth will only pay for hands-on assistance and does not pay for time to wait while the appellant performs a task.
14. The appellant requested 10 minutes, 2 times per night, seven days per week, for nighttime bladder care.
15. MassHealth modified this request to 0 because there is no clinical documentation that states the appellant has excessive urination requiring nighttime toileting.
16. The appellant wears diapers at night that can hold 20-50 ounces of fluid and keep the moisture away from the appellant's skin. MassHealth asserted that these diapers should be sufficient to keep the appellant from leaking through his diaper overnight.
17. MassHealth will pay for the least costly alternative, which includes nighttime diapers.
18. Nighttime PCA hours begin at midnight.
19. Angelman Syndrome causes sleep disturbances.
20. The appellant's family purchases their own nighttime diapers instead of using the

MassHealth-provided diapers.

21. The appellant requested 50 minutes, 1 time per day, seven days per week, during vacation weeks, for PCA assistance with eating.
22. MassHealth modified this request to 15 minutes, 3 times per day, seven days per week because the time requested is longer than ordinarily required for someone with the appellant's needs.
23. There was no time requested for snacks.

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; andother 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 agency. 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.

(emphasis added)

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.

MassHealth modified the request for bladder care from 10 minutes per episode to 7 minutes per episode to: 7 minutes, 4 times per day, 5 days per week for school weekdays; 7 minutes, 6 times per day, 2 days per week for school weekends; and 7 minutes, 6 times per day, 7 days per week for vacation weeks. This modification was because the time requested is longer than ordinarily required for someone with the appellant's needs. The appellant remains fully dependent with toileting. MassHealth determined that 7 minutes per episode is sufficient for bladder care since MassHealth does not pay for time to wait while the appellant removes his own clothes. For this reason, the appeal for the modifications to the request for bladder care is **DENIED**.

MassHealth modified the request for nighttime toileting time from 10 minutes, 2 times per night, seven days per week, to zero because the appellant wears diapers to bed; therefore, any nighttime hours would only be for supervision. Per 130 CMR 422.412(C), the PCA program covers hands-on assistance only and does not cover supervision. Additionally, MassHealth will pay for the least costly alternative to address the issue; in this case, MassHealth provides diapers for nighttime incontinence. (130 CMR 450.204(A)(2)). For this reason, the appeal for the modifications to the request for nighttime toileting is **DENIED**.

MassHealth modified the request for eating from 50 minutes once a day, seven days per week, to 15 minutes, 3 times per day, seven days per week, a decrease of 5 minutes per day because the time requested is longer than ordinarily required for someone with the appellant's needs. Per 130 CMR 422.412(C), the PCA program covers hands-on assistance only and does not cover cueing, guiding, or time to wait in between bites. For this reason, the appeal for the modifications to the request for eating is also **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.

Christine Therrien
Hearing Officer
Board of Hearings

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