

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2510542
Decision Date:	09/26/2025	Hearing Date:	08/13/2025
Hearing Officer:	Marc Tonaszuck		

Appearance for Appellant:



Appearance for MassHealth:

Donna Burns, RN, 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

Appeal Decision:	Denied	Issue:	Prior Authorization – Personal Care Attendant (PCA) Services
Decision Date:	09/26/2025	Hearing Date:	08/13/2025
MassHealth's Rep.:	Donna Burns, RN	Appellant's Rep.:	
Hearing Location:	Quincy Harbor South	Aid Pending:	Yes

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 07/07/2025, MassHealth modified the appellant's prior authorization request for personal care attendant (PCA) services from a requested 36 hours and 30 minutes (36:30) of day/evening hours per week to 31:15 day/evening hours per for the dates of service from 07/27/2025 to 07/26/2026 (130 CMR 422.410; Exhibit 1). The appellant filed this appeal in a timely manner on 07/17/2025 (130 CMR 610.015(B); Exhibit 2). MassHealth agency actions to suspend, reduce, terminate, or restrict a member's assistance are valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth modified the appellant's prior authorization request for personal care attendant services.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 422.410 and 450.204, in

modifying appellant's prior authorization request for personal care attendant services.

Summary of Evidence

The MassHealth representative testified that she is registered nurse who works for Optum, the MassHealth contractor that makes the personal care attendant (PCA) decisions. She testified that on 07/02/2025, a prior authorization request (PA) for PCA services was received on appellant's behalf from his PCA provider, [REDACTED]. ("provider," or "PCM"), and is a re-evaluation request for the dates of service of 07/27/2025 to 07/26/2026. In the PA request for PCA services (Exhibit 4), the provider requested 36:30 day/evening hours per week. The appellant is an adult man who lives in the community with his wife and adult son.

According to the documentation included with the PA request, the appellant



(Exhibit 4).

The Optum representative testified that on 07/07/2025, MassHealth modified the PCA request to 31:15 day/evening hours per week. Modifications were made to the request for PCA services that include modifications in the activities of daily living (ADL) task of mobility, bathing, hair wash, bladder care, bowel care; and in the instrumental activity of daily living (IADL) task of laundry.

Mobility

The appellant's PCA provider requested 2 minutes, 8 times per day, 7 days per week for assistance with mobility. The provider notes that the appellant "requires assistance with mobility due to his worsening pain that shoots down his right leg, dizziness and frequent nosebleed. He requires assistance for safety and stability. He is walking with cane" (Exhibit 4).

The MassHealth representative testified that assistance with mobility is assistance getting from room to room, but not the time to assist a member from getting in/out of bed, chair, or sofa. That time is calculated separately, as is time requested for transfers to the bathroom (covered under the task of toileting). MassHealth modified the request for assistance with mobility to 1 X 8 X 7. The MassHealth representative testified that the time requested exceeds the ordinary time needed for this task by someone with the appellant's abilities.

The appellant was represented in this matter by his adult son, who is also the appellant's PCA. He testified that the appellant is independent walking with a cane. He sometimes needs assistance walking to the balcony of the home or to go from one room to another. He testified that "probably 8 minutes [a day] is enough."

Bathing/Shampoo

The appellant's PCM requested 25 X 1 X 7 for assistance with bathing and 5 X 1 X 7 for assistance with shampooing his hair. The provider noted that the appellant "requires additional assistance due to worsening leg pain and loss of balance. He requires assistance with opening products and washing due to stiffening in his fingers and difficulty with grasp at times as a result. He utilizes a cane in his home and requires assistance for safety and stability while in the shower" (Exhibit 4).

MassHealth modified the request for assistance with bathing/shampoo to 20 X 1 X 7 for total. After hearing the appellant's testimony, the MassHealth representative approved 25 X 1 X 7 total time for assistance with bathing. She testified that the documentation included with the PA documents that the appellant is able to manage bathing and hair washing independently. It should take no more than 1 minute to assist the appellant to the bathtub, and 1 additional minute to assist him sitting down.

The appellant's son testified that the appellant is not able to bathe himself. The PCA assists the appellant into a shower chair in the tub, cleaning his back, his feet and washing his hair. The son testified that the appellant is bald. He needs at least 30 minutes a day for assistance with bathing and shampooing. The son stated that the appellant "sweats a lot."

Bladder Care

The appellant's PCM requested 5 X 6 X 7 for assistance with bladder care. The provider noted that the appellant "requires assistance with both bowel and bladder care including assist with

transfers on and off due to pain and dizziness and help with clothing management.” He requires “physical assist with clothing management; Physical assist with regular transfer” (Exhibit 4).

MassHealth modified the time requested for assistance with bladder care to 3 X 6 X 7. The MassHealth representative testified that the document states the appellant is independent once he is assisted to the toilet. It should take only a minute to assist the appellant to the toilet; another minute to assist with clothing management; a minute for hygiene and redressing; and a minute to transfer out of the bathroom.

The appellant’s son testified that the appellant’s legs cause him pain and he must rely on holding his son’s hands when he gets up and down from the toilet. The appellant is able to manage his own clothing some of the time. Other times, the son must assist the appellant.

The MassHealth representative testified that she could approve 4 X 6 X 7 for assistance with bladder care based on the appellant’s son’s testimony. The appellant’s son stated he was “okay with the time.”

Bowel Care

The appellant’s PCM requested 10 X 2 X 7 for assistance with bowel care. The provider noted that the appellant “requires assistance with both bowel and bladder care including assist with transfers on and off due to pain and dizziness and help with clothing management.” He requires “physical assist with clothing management; Physical assist with regular transfer” (Exhibit 4).

MassHealth modified the request for assistance with bowel care to 5 X 2 X 7. The MassHealth representative testified that the appellant uses a bidet for cleaning and the time requested exceeds the customary time necessary for someone with the appellant’s abilities.

The appellant’s son testified that the time, as modified by MassHealth, is “okay.”

Laundry

The appellant’s PCM requested 60 X 1 x 1 for assistance with laundry. The provider noted that the appellant requires “physical assist with sorting laundry; physical assist with loading/unloading laundry machine; physical assist folding & putting away clothes; dependent for all laundry tasks-residential. [The appellant] is dependent on all laundry as he is unable to load or unload a machine. He is dependent due to pain and dizziness. Laundry is outside of home. The spouse has her own medical issues” (Exhibit 4).

MassHealth modified the request for PCA time for laundry to 30 X 1 X 1. The MassHealth representative testified that because the appellant lives with other adults in the household, assistance with laundry can be incorporated into the household’s laundry.

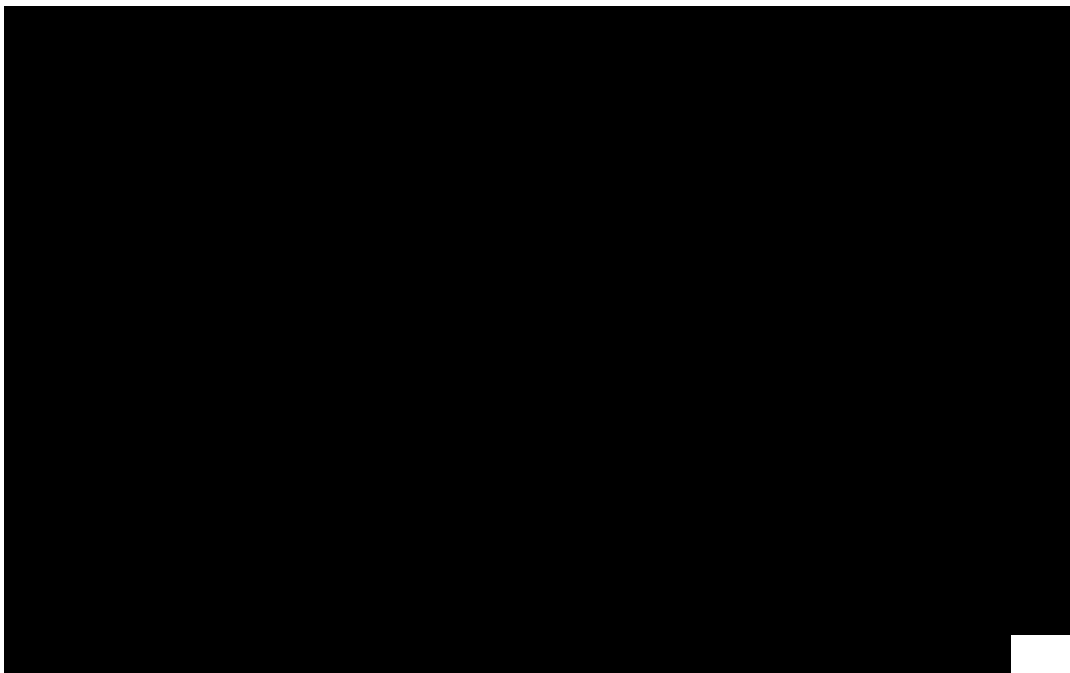
The appellant's son testified that the appellant's wife has arthritis and is not able to do her own laundry. The son testified he does not know how long it takes to do the laundry or how many loads of laundry per week are needed for the appellant. He testified that he does all the family's laundry on the same day.

The MassHealth representative testified that she could approve 45 minutes per week (45 X 1 X 1) for assistance with laundry, based on the son's testimony.

Findings of Fact

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

1. On 07/02/2025, a prior authorization request (PA) for Personal Care Attendant (PCA) services was received on appellant's behalf from his PCA provider, TriValley, Inc. ("provider," or "PCM"), and is a re-evaluation request for the dates of service of 07/27/2025 to 07/26/2026 (Testimony; Exhibit 4).
2. In the PA request for PCA services, the provider requested 36:30 day/evening hours per week (Testimony; Exhibit 4).
3. The appellant is an adult man who lives in the community with his wife and adult son. He



(Testimony; Exhibit 4.)

4. On 07/07/2025, MassHealth modified the PCA request to 31:15 day/evening hours per week (Testimony; Exhibits 1 and 4).
5. The appellant filed his timely request for a fair hearing with the Board of Hearings on 07/17/2025. A fair hearing was held on 08/13/2025 (Exhibits 2 and 3).
6. The appellant's PCA provider requested 2 minutes, 8 times per day, 7 days per week for assistance with mobility. The provider notes that the appellant "requires assistance with mobility due to his worsening pain that shoots down his right leg, dizziness and frequent nosebleed. He requires assistance for safety and stability. He is walking with cane" (Testimony; Exhibit 4).
7. MassHealth modified the request for assistance with mobility to 1 X 8 X 7 (Testimony; Exhibit 4).
8. The appellant is independent walking with a cane. He sometimes needs assistance walking to the balcony of the home or to go from one room to another. The appellant's son testified that "probably 8 minutes [a day] is enough" (Testimony; Exhibit 4).
9. The appellant's PCM requested 25 X 1 X 7 for assistance with bathing and 5 X 1 X 7 for assistance with shampooing his hair. The provider noted that the appellant "requires additional assistance due to worsening leg pain and loss of balance. He requires assistance with opening products and washing due to stiffening in his fingers and difficulty with grasp at times as a result. He utilizes a cane in his home and requires assistance for safety and stability while in the shower" (Testimony; Exhibit 4).
10. For assistance with bathing, the PCA assists the appellant into a shower chair in the tub, cleaning his back, his feet and washing his hair. The son testified that the appellant is bald (Testimony; Exhibit 4).
11. MassHealth modified the request for assistance with bathing and shampoo to a total of 20 minutes; however, based on the appellant's son's testimony, MassHealth approved 25 X 1 X 7 for assistance with bathing/shampoo (Testimony).
12. The appellant's PCM requested 5 X 6 X 7 for assistance with bladder care. The provider noted that the appellant "requires assistance with both bowel and bladder care including assist with transfers on and off due to pain and dizziness and help with clothing management." He requires "physical assist with clothing management; Physical assist with regular transfer" (Testimony; Exhibit 4).

13. At the fair hearing, the MassHealth representative testified that she would approve 4 X 6 X 7 for assistance with bladder care based on the appellant's son's testimony (Testimony; Exhibit 4).
14. The appellant's son stated he was "okay with the time [for bladder care] (Testimony).
15. The appellant's PCM requested 10 X 2 X 7 for assistance with bowel care (Testimony; Exhibit 4).
16. MassHealth modified the request for assistance with bowel care to 5 X 2 X 7 (Testimony; Exhibit 4).
17. The appellant's son testified that the time for bowel care, as modified, is "okay" (Testimony).
18. The appellant's PCM requested 60 X 1 x 1 for assistance with laundry. The provider noted that the appellant requires "physical assist with sorting laundry; physical assist with loading/unloading laundry machine; physical assist folding & putting away clothes; dependent for all laundry tasks- residential. [The appellant] is dependent on all laundry as he is unable to load or unload a machine. He is dependent due to pain and dizziness. Laundry is outside of home. The spouse has her own medical issues" (Testimony; Exhibit 4).
19. MassHealth modified the request for assistance with laundry to 30 X 1 X 1; however, at the fair hearing, the MassHealth representative testified that she would approve 45 minutes per week, based on the appellant's son's testimony (Testimony).

Analysis and Conclusions of Law

Regulations at 130 CMR 450.204 described medical necessity, as follows:

The MassHealth agency 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 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 the MassHealth agency. Services that are less costly to the MassHealth agency include, but are not limited to, health care reasonably known by the provider, or identified by the MassHealth agency 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 (emphasis added).

Regulations at 130 CMR 422.412 describe non-covered PCA 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;
- (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.

To qualify for services under the PCA program, the member must meet the conditions defined at 130 CMR 422.403, below:

(C) 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 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/grooming;
- (d) dressing or undressing;
- (e) range-of-motion exercises;
- (f) eating; and
- (g) toileting

(4) The MassHealth agency has determined that the PCA services are medically necessary and has granted a prior authorization for PCA services.

The type of PCA services available are described in 130 CMR 422.410 below:

- (A) Activities of Daily Living (ADLs). 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/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.

(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 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.

(Emphasis added.)

The appellant has the burden "to demonstrate the invalidity of the administrative determination." See *Andrews vs. Division of Medical Assistance*, 68 Mass. App. Ct. 228. Moreover, the burden is on the appealing party to demonstrate the invalidity of the administrative determination. See *Fisch v. Board of Registration in Med.*, 437 Mass. 128, 131 (2002); *Faith Assembly of God of S. Dennis & Hyannis, Inc. v. State Bldg. Code Commn.*, 11 Mass. App. Ct. 333, 334 (1981); *Haverhill Mun. Hosp. v. Commissioner of the Div. of Med. Assistance*, 45 Mass. App. Ct. 386, 390 (1998).

MassHealth modified the appellant's request for PCA time in the areas of mobility, bathing, hair wash (shampoo), bladder care, bowel care and laundry.

Mobility

The appellant's PCA provider requested 2 minutes, 8 times per day, 7 days per week for assistance with mobility. The provider notes that the appellant "requires assistance with mobility due to his worsening pain that shoots down his right leg, dizziness and frequent nosebleed. He requires assistance for safety and stability. He is walking with cane." MassHealth modified the request for assistance with mobility to 1 X 8 X 7.

According to the documentation in the PA, as well as the appellant's son's testimony, the appellant is independent walking with a cane. He sometimes needs assistance walking to the balcony of the home or to go from one room to another. The appellant's son testified that "probably 8 minutes [a day] is enough." Accordingly, this portion of the appeal is denied.

Bathing/Shampoo

The appellant's PCM requested 25 X 1 X 7 for assistance with bathing and 5 X 1 X 7 for assistance

with shampooing his hair. The provider noted that the appellant “requires additional assistance due to worsening leg pain and loss of balance. He requires assistance with opening products and washing due to stiffening in his fingers and difficulty with grasp at times as a result. He utilizes a cane in his home and requires assistance for safety and stability while in the shower. For assistance with bathing, the PCA assists the appellant into a shower chair in the tub, cleaning his back, his feet and washing his hair. The son testified that the appellant is bald.

MassHealth modified the request for assistance with bathing and shampoo to a total of 20 minutes; however, based on the appellant’s son’s testimony, MassHealth approved 25 X 1 X 7 for assistance with bathing/shampoo. The appellant’s representative has not shown that the 25 minutes per day for assistance with bathing and shampooing is not adequate. Accordingly, this portion of the appeal is denied.

Bladder Care

The appellant’s PCM requested 5 X 6 X 7 for assistance with bladder care. The provider noted that the appellant “requires assistance with both bowel and bladder care including assist with transfers on and off due to pain and dizziness and help with clothing management.” He requires “physical assist with clothing management; Physical assist with regular transfer.” MassHealth initially modified the request for assistance with bladder care to 3 X 6 X 7; however, at the fair hearing, the MassHealth representative testified that she would approve 4 X 6 X 7 for assistance with bladder care based on the appellant’s son’s testimony. The appellant’s son stated he was “okay with the time [for bladder care].” This portion of the appeal is therefore denied.

Bowel Care

The appellant’s PCM requested 10 X 2 X 7 for assistance with bowel care. MassHealth modified the request for assistance with bowel care to 5 X 2 X 7. The appellant’s son testified that the time for bowel care, as modified, is “okay.” This portion of the appeal is therefore denied.

Laundry

The appellant’s PCM requested 60 X 1 x 1 for assistance with laundry. The provider noted that the appellant requires “physical assist with sorting laundry; physical assist with loading/unloading laundry machine; physical assist folding & putting away clothes; dependent for all laundry tasks-residential. [The appellant] is dependent on all laundry as he is unable to load or unload a machine. He is dependent due to pain and dizziness. Laundry is outside of home. The spouse has her own medical issues.” MassHealth modified the request for assistance with laundry to 30 X 1 X 1; however, at the fair hearing, the MassHealth representative testified that she would approve 45 minutes per week, based on the appellant’s son’s testimony that the wife is not able to assist with this task due to her own disabilities.

MassHealth's modification to the requests for assistance with the IADLs of laundry was based on the documentation that the appellant lives with his family, including an adult son, and MassHealth regulations expect that family members "will provide assistance with most IADLs." MassHealth did approve some time for this task, based on the documentation that the health conditions and limitations.

The appellant's son testified that he does the laundry for the household. He could not describe the number of loads of laundry that must be done weekly or the time necessary to do that laundry. As the appellant's representative was unable to show that MassHealth's modified time would not adequately meet the medical needs of the appellant, this portion of the appeal is denied.

For the foregoing reasons, this appeal is denied.


Order for MassHealth

Release aid pending. Proceed with modifications in accordance with this hearing decision.

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.

Marc Tonaszuck
Hearing Officer
Board of Hearings



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