

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Dismissed in part; Denied in part	Appeal Number:	2510680
Decision Date:	10/7/2025	Hearing Date:	08/21/2025
Hearing Officer:	Kimberly Scanlon		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Robin Brown, OTR/L

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:	10/7/2025	Hearing Date:	08/21/2025
MassHealth’s Rep.:	Robin Brown, OTR/L	Appellant’s Rep.:	Pro se
Hearing Location:	Tewksbury MassHealth Enrollment Center Room 1 (Remote)	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 June 20, 2025, MassHealth modified the appellant's prior authorization (PA) request for personal care attendant (PCA) services from the requested 50 hours and 30 minutes of PCA assistance per week, to 48 hours and 30 minutes per week. (Exhibit 1). The appellant filed this appeal in a timely manner on or about July 18, 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 occupational therapist and clinical appeals reviewer, testified that the appellant is a female adult who is over the age of 65. Her primary medical diagnoses include rheumatoid arthritis, folate (vitamin B) deficiency, depression, anxiety, chronic obstructive pulmonary disease (COPD), sleep apnea, degenerative disk disease, diabetes, fatty liver disease, and gastritis. (Exhibit 7, p. 13). The appellant lives independently. She ambulates with a rollator walker. *Id.* The appellant has chronic pain in her shoulders, back, hips, and knees. She experiences dizziness, fatigue, poor appetite, weight loss, and reports several falls over the last year. *Id.*

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 18, 2025, seeking 50 hours and 30 minutes of day/evening PCA assistance per week. She testified that by notice dated June 20, 2025, MassHealth modified the requested time to 48 hours and 30 minutes of day/evening PCA assistance per week. The time period for this PA request is August 19, 2025, through August 18, 2026. (Exhibit 1, p. 3).

The MassHealth representative stated that there were 3 modifications made. First, MassHealth modified the category of "Mobility (transfers)" from the requested time of 3 minutes, 6 times per day, 7 days per week to 2 minutes, 6 times per day, 7 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 transfers is longer than ordinarily required. The documentation that was submitted on behalf of the appellant states that she requires moderate assistance. (Exhibit 7, p. 17). The MassHealth representative explained that moderate assistance means that her PCA provides 50% of the support needed to complete the task. The MassHealth representative stated that the time that MassHealth modified for PCA assistance in this category is for the time that it takes for the PCA to assist the appellant with standing up or sitting down.

The appellant appeared at the hearing by telephone and testified through an interpreter. She asked whether the documentation that was submitted on her behalf was accurate because she did not hear any testimony about the fact that her meniscus is torn in both of her knees. The MassHealth representative asked the appellant if she could explain why it takes her longer than 2 minutes to stand up or sit down. In response, the appellant explained that it hurts to lift her legs and place her feet flat down on the floor. Additionally, her legs wobble and her knees buckle. The MassHealth representative asked if the PCA must physically hold the appellant when this occurs and whether this happens every time she stands; the appellant responded affirmatively to both questions. The MassHealth representative agreed to restore the time requested for transfers (3 x 6 x 7), thereby resolving this modification.

The second modification made was in the "Bathing" category (Exhibit 7, p. 20). MassHealth modified the requested time for PCA assistance in this category from 30 minutes, once per day, 7 days per week and 10 minutes, once per day, 7 days per week (quick wash) to 30 minutes (total),

once per day, 7 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 bathing is longer than ordinarily required. The documentation that was submitted on behalf of the appellant also states that she requires moderate assistance with bathing. *Id.*

The appellant testified that she requires an additional 10 minutes each day because the PCA assists her with sitting down in the bathroom and then her PCA must physically lift her legs and place them into the bathtub because she cannot independently lift her lower extremities. Additionally, the PCA washes her back, legs, and feet with a sponge because the appellant cannot lift her hands independently. The MassHealth representative asked how often the appellant bathes/showers each day; the appellant stated that she bathes/showers twice each day. She explained that she is incontinent. The MassHealth representative agreed to restore the time requested for bathing (30 x 1 x 7 and 10 x 1 x 7), thereby resolving this modification

The third modification made was in the "Undressing" category (Exhibit 7, p. 24). MassHealth modified the requested time of PCA assistance in this category from 12 minutes, once per day, 7 days per week to 10 minutes, once per day, 7 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 undressing is longer than ordinarily required. The documentation that was submitted on behalf of the appellant states that she requires moderate assistance with undressing. *Id.*

The appellant stated that it takes longer than 10 minutes for the PCA to assist with undressing. She stated that she must be sitting while undressing due to her medical diagnoses. The appellant does not wear pants, rather she wears robes. However, it is painful for her to lift her upper extremities when her PCA assists with removing her robe and undergarments.

Findings of Fact

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

1. The appellant is over the age of 65 and she is a MassHealth member.
2. The appellant's medical diagnoses include rheumatoid arthritis, folate (vitamin B) deficiency, depression, anxiety, Chronic Obstructive Pulmonary Disease (COPD), sleep apnea, degenerative disk disease, diabetes, fatty liver disease, and gastritis.
3. [REDACTED] a PCM agency, submitted a PA re-evaluation request to MassHealth on the appellant's behalf on June 18, 2025, seeking 50 hours and 30 minutes of day/evening PCA assistance per week.

4. By notice dated June 20, 2025, MassHealth modified the requested PCA assistance time to 48 hours and 30 minutes of day/evening PCA assistance per week.
5. The PA request at issue covers the time period of August 19, 2025, through August 18, 2026.
6. The appellant requested time for assistance with mobility (transfers) as follows: 3 minutes, 6 times per day, 7 days per week.
7. MassHealth modified the requested time for PCA assistance with mobility (transfers) to 2 minutes, 6 times per day, 7 days per week.
8. At the hearing, MassHealth agreed to restore the requested 3 minutes, 6 times per day, 7 days per week of PCA assistance for mobility (transfers).
9. The appellant requested time for assistance with bathing as follows: 30 minutes, once per day, 7 days per week and 10 minutes (quick wash), once per day, 7 days per week.
10. MassHealth modified the requested time for PCA assistance with bathing to 30 minutes (total), once per day, 7 days per week.
11. At the hearing, MassHealth agreed to restore the requested 30 minutes, once per day, 7 days per week and 10 minutes (quick wash), once per day, 7 days per week of PCA assistance for bathing.
12. The appellant requested time for assistance with undressing as follows: 12 minutes, once per day, 7 days per week.
13. MassHealth modified the requested time for PCA assistance with undressing to 10 minutes, once per day, 7 days per week.
14. The documentation that was submitted on behalf of the appellant indicates that she requires moderate assistance for the PCA to assist her with undressing.

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.

MassHealth has also issued Time-for-Tasks Guidelines for the MassHealth PCA Program; these guidelines provide sub-regulatory guidance for determining the amount of PCA time required to perform activities of daily living (ADLs) and instrumental activities of daily living (IADLs). The guidelines were developed to be used by nurses who evaluate a consumer's need for PCA services and by clinical reviewers of prior-authorization requests for MassHealth PCA services.¹

At issue in this appeal were modifications of time requested for PCA assistance for the appellant with the following ADLs: mobility (transfers), bathing, and undressing.

At the hearing, MassHealth agreed to authorize the following amounts of PCA assistance:

Mobility (transfers): 3 minutes, 6 times per day, 7 days per week.

Bathing: 30 minutes, once per day, 7 days per week and 10 minutes (quick wash), once per day, 7 days per week.

The appellant agreed to these PCA assistance authorizations. Therefore, these portions of the appeal are dismissed.

Undressing

The appellant requested 12 minutes of assistance, once per day, 7 days per week. MassHealth modified the requested time to 10 minutes, once per day, 7 days per week because the time requested for undressing is longer than ordinarily required for someone with the appellant's physical needs. The appellant disagreed with this modification, arguing that it takes longer than 10 minutes for the PCA to assist her with undressing because it is painful to lift her upper extremities. The appellant's testimony, while credible, does not support an argument that it takes longer than 10 minutes for the PCA to assist her with undressing. The documentation that was submitted on behalf of the appellant states that she requires moderate assistance for her PCA to assist her with undressing. The Time-for-Tasks Guidelines for the MassHealth PCA Program² indicate that an individual who requires moderate assistance with this task needs, on average, 10 minutes of PCA assistance with the task. (See p. 7 of the Time-for-Tasks Guidelines). Per the Guidelines, this

¹ This document is not available on MassHealth's website. It has been made available pursuant to a public records request.

(<https://www.masslegalservices.org/system/files/library/Time-for-Tasks%20Guidelines%20for%20the%20MassHealth%20PCA%20Program.pdf>)

² These guidelines offer time estimates for determining the amount of PCA time required to perform various ADLs and IADLs.

assistance includes taking off all items of clothing and removing prosthetics and orthotics. *Id.* MassHealth's authorization of 10 minutes of PCA assistance is the average time estimate set forth in the Guidelines, and the appellant has not demonstrated that it takes longer than 10 minutes for her PCA to assist her with undressing. The appellant testified that she wears robes and undergarments – which is understandable given the pain that she experiences when moving her limbs. However, there is no evidence to indicate that it takes longer than 10 minutes for the PCA to assist the appellant with undressing her robe and undergarments, nor is there any evidence to indicate that the appellant needs additional time for the PCA to assist with removing prosthetics and/or orthotics. MassHealth has provided adequate support for its determination here, and this portion of the appeal is denied.

Based on the foregoing, this appeal is dismissed in part and denied in part.

Order for MassHealth

For the PA period for dates of service of August 19, 2025 through August 18, 2026, authorize the additional time for PCA assistance as follows: (1) Mobility (transfers): 3 minutes, 6 times per day, 7 days per week (3 x 6 x 7), and (2) Bathing: 30 minutes, once per day, 7 days per week (30 x 1 x 7), and 10 minutes (quick wash), once per day, 7 days per week (10 x 1 x 7), (3) notify the appellant of updated authorized PCA hours accordingly, and (4) remove aid pending.

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 Optum. 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.

Kimberly Scanlon
Hearing Officer
Board of Hearings

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