

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Approved in part; Denied in part	<b>Appeal Number:</b>	2510708
<b>Decision Date:</b>	10/15/2025	<b>Hearing Date:</b>	08/21/2025
<b>Hearing Officer:</b>	Kimberly Scanlon		

**Appearance for Appellant:**



**Appearance for MassHealth:**

Robin Brown, OTR/L



*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>	Approved in part; Denied in part	<b>Issue:</b>	Prior Authorization – PCA Services
<b>Decision Date:</b>	10/15/2025	<b>Hearing Date:</b>	08/21/2025
<b>MassHealth's Rep.:</b>	Robin Brown, OTR/L	<b>Appellant's Rep.:</b>	[REDACTED]
<b>Hearing Location:</b>	Tewksbury MassHealth Enrollment Center Room 1 (Remote)	<b>Aid Pending:</b>	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 26, 2025, MassHealth modified the appellant's prior authorization (PA) request for personal care attendant (PCA) services from the requested 53 hours and 30 minutes of PCA assistance per week, to 47 hours and 45 minutes per week. (Exhibit 1). The appellant filed this appeal in a timely manner on or about July 14, 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 an adult male who is under the age of [REDACTED]. His primary medical diagnoses include other disorders of psychological development, hypoplastic heart syndrome, spinal fusion surgery, severe Celiac disease, and anxiety/panic attacks. (Exhibit 7, pp. 12-13).<sup>1</sup> The appellant lives with family members. He ambulates independently without the use of assistive devices, and he eats independently. (Exhibit 7, pp. 16, 24).

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 20, 2025, seeking 53 hours and 30 minutes of day/evening PCA assistance per week. She testified that by notice dated June 26, 2025, MassHealth modified the requested time to 47 hours and 45 minutes of day/evening PCA assistance per week. The time period for this PA request is August 20, 2025, through August 19, 2026. (Exhibit 1, p. 2).

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, 4 times per day, 7 days per week to 2 minutes, 4 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 he requires moderate assistance in and out of bed and in and off furniture regarding difficulty with pain and bending due to spinal fusion. (Exhibit 7, pp. 16-17). The MassHealth representative explained that moderate assistance means that his 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's representative appeared at the hearing by telephone. She testified that the appellant's spinal fusion surgery occurred last year. Additionally, the appellant's representative testified that the appellant has recently vocalized that he is experiencing sharp-shooting pain throughout his body. The appellant cannot bend down because of the 2 rods that were fused in his spine. The appellant's physician opined that the appellant's pain that he is experiencing may be a result of nerve damage following his spinal fusion surgery and he recommended to increase physical therapy (PT) appointments. Further, the appellant is currently experiencing intense migraines and has eyesight issues, which contributes to additional time needed for the PCA to assist him with transfers.

The second modification made was in the "Passive Range of Motion (PROM)" category (Exhibit 7, p. 18). MassHealth modified the requested time for PCA assistance in this category from 15

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<sup>1</sup> The MassHealth representative noted that the documentation that was submitted on behalf of the appellant does not indicate when the appellant's spinal fusion surgery occurred.

minutes, 2 times per day, 7 days per week for each lower extremity (totaling 60 minutes of PROM per day) to 5 minutes, 2 times per day, 7 days per week for each lower extremity (totaling 20 minutes of PROM per day). 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 PROM is longer than ordinarily required. The MassHealth representative explained that PROM is typically for bedbound individuals, who are unable to mobilize independently. She testified that the documentation that was submitted on behalf of the appellant states that the appellant (once standing up) is independent with mobility. The MassHealth representative stated that in this case, MassHealth approved some time for the PCA to assist the appellant with PROM, due to his spinal fusion surgery. However, MassHealth modified the requested time for PCA assistance with PROM because the appellant is independent with mobility.

The appellant's representative testified that the appellant's surgeon recommended that PROM should be increased due to the pain that the appellant is currently experiencing, including tightness in his legs, hamstrings, and hips. She explained that the tightness and stiffness that the appellant has been experiencing worsened after surgery. The MassHealth representative asked if the appellant is in physical therapy; the appellant's representative responded affirmatively. She explained that the appellant's physical therapist is located at a hospital where his PCA can also attend to observe what daily exercises that the appellant should focus on. The MassHealth representative asked the appellant's representative to describe what the appellant's physical therapist recommended for daily exercises. The appellant's representative stated that his physical therapist recommended sitting against a wall while having his kneecaps pushed on and moving his knees inward toward his chest. Additionally, the appellant performs 3 repetitions of standing and sitting exercises. The MassHealth representative explained that it sounds as though the appellant engages in a combination of active and passive range of motion exercises and the MassHealth PCA program does not cover active range of motion. She further explained that stretching hamstrings is generally performed while in a laying position, where the PCA will lift an individual's legs towards the ceiling unless he or she can bend down towards his or her toes. The appellant's representative stated that it takes longer than a total of 20 minutes each day for the PCA to assist the appellant with PROM to each of his lower extremities.

The third modification made was in the "Undressing" category (Exhibit 7, p. 23). MassHealth modified the requested time of PCA assistance in this category from 15 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 he requires maximum assistance with undressing. *Id.*

The appellant's representative stated that it takes the appellant longer than 10 minutes for the PCA to assist with undressing. She testified that because the appellant cannot bend, it is difficult to undress him, especially his lower body. She explained that the appellant typically wears jogger

pants which include ankle cuffs and therefore it takes longer for the PCA to assist with removing his pants.

## Findings of Fact

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

1. The appellant is under the age of [REDACTED] and he is a MassHealth member.
2. The appellant's medical diagnoses include other disorders of psychological development, hypoplastic heart syndrome, spinal fusion surgery, severe Celiac disease, and anxiety/panic attacks.
3. [REDACTED] a PCM agency, submitted a PA re-evaluation request to MassHealth on the appellant's behalf on June 20, 2025, seeking 53 hours and 30 minutes of day/evening PCA assistance per week.
4. By notice dated June 26, 2025, MassHealth modified the requested PCA assistance time to 47 hours and 45 minutes of day/evening PCA assistance per week.
5. The PA request at issue covers the time period of August 20, 2025, through August 19, 2026.
6. The appellant requested time for assistance with mobility (transfers) as follows: 3 minutes, 4 times per day, 7 days per week.
7. MassHealth modified the requested time for PCA assistance with mobility (transfers) to 2 minutes, 4 times per day, 7 days per week.
8. The appellant requested time for assistance with PROM as follows: 15 minutes, 2 times per day, 7 days per week for each lower extremity.
9. MassHealth modified the requested time for PCA assistance with PROM to 5 minutes, 2 times per day, 7 days per week for each lower extremity.
10. Active range of motion is not a covered service under the PCA program.
11. The appellant requested time for assistance with undressing as follows: 15 minutes, once per day, 7 days per week.
12. MassHealth modified the requested time for PCA assistance with undressing to 10 minutes, once per day, 7 days per week.

## 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.<sup>2</sup>

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

### **Mobility (transfers)**

The appellant requested 3 minutes of assistance, 4 times per day, 7 days per week. MassHealth modified the requested time to 2 minutes, 4 times per day, 7 days per week because the time requested for transfers is longer than ordinarily required for someone with the appellant's physical needs. The appellant's representative disagreed with this modification, arguing that it takes longer than 2 minutes for the PCA to assist the appellant with transfers given his medical diagnoses. The appellant has demonstrated that 3 minutes is needed for the PCA to assist him with transfers. According to the Time-For-Tasks Guidelines for the MassHealth PCA Program,<sup>3</sup> the average time estimate for a consumer who requires moderate assistance for this task (as is the appellant) is 5 minutes. (See, p. 1 of the Time-for-Tasks Guidelines). Here, the time requested is less than the average time set forth in the guidelines. Further, as noted by the appellant's representative, the appellant cannot bend due to his spinal fusion surgery. Given his frailty, the appellant has demonstrated that he needs all the time requested for assistance with this task. This portion of the appeal is approved.

### **Passive Range of Motion (PROM)**

The appellant requested 15 minutes of assistance, 2 times per day, 7 days per week for each lower extremity (totaling 60 minutes per day). MassHealth modified the requested time to 5 minutes, 2 times per day, 7 days per week (totaling 20 minutes per day) because the time requested for transfers is longer than ordinarily required for someone with the appellant's physical needs. The appellant's representative disagreed with this modification, arguing that it takes longer than 5

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<sup>2</sup> 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>)

<sup>3</sup> These guidelines offer time estimates for determining the amount of PCA time required to perform various ADLs and IADLs.

minutes, 2 times per day, for the PCA to assist the appellant with PROM to each lower extremity.

The appellant's testimony, while credible, does not support an argument that it takes longer than 5 minutes, 2 times per day, 7 days per week for the PCA to assist him with PROM to each lower extremity. In accordance with the Time-for-Tasks Guidelines for the MassHealth PCA Program indicate that an individual who requires assistance with this task needs, on average, 10-30 minutes of PCA assistance for upper extremities, and 10-30 minutes of PCA assistance for lower extremities. (See p. 8 of the Time-for-Tasks Guidelines). Per the Guidelines, this assistance includes applying movement to a joint or extremity by another person solely for the purpose of maintaining or improving distance and direction through which a joint can move, or to alleviate pain or reduce severe spasms/cramping. *Id.* MassHealth's total authorization of 20 minutes of PCA assistance is within the parameters of the Guidelines, and the appellant has not demonstrated that it takes longer than 20 minutes per day for the PCA to assist him with PROM to each lower extremity. The appellant engages in physical therapy and as noted by the MassHealth representative active range of motion is not a covered task. Further noted by the MassHealth representative is that the documentation submitted on behalf of the appellant confirms that he is independent with mobility (once standing up). MassHealth has provided adequate support for its determination here, and this portion of the appeal is denied.

### **Undressing**

The appellant requested 15 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's representative disagreed with this modification, arguing that it takes longer than 10 minutes for the PCA to assist the appellant with undressing. The appellant has demonstrated that 15 minutes is needed for the PCA to assist him with undressing. According to the Time-For-Tasks Guidelines for the MassHealth PCA Program, the average time estimate for a consumer who requires maximum assistance for this task (as is the appellant) is 15 minutes. (See, p. 7 of the Time-for-Tasks Guidelines). Here, the time requested is within the parameters of the guidelines. Further, as noted by the appellant's representative, undressing the appellant takes longer because he cannot bend down. The appellant has demonstrated that he needs all the time requested for assistance with this task. This portion of the appeal is approved.

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

## Order for MassHealth

For the PA period for dates of service of August 20, 2025 through August 19, 2026, increase the additional time for PCA assistance as follows: (1) Mobility (transfers): 3 minutes, 4 times per day, 7 days per week (3 x 4 x 7), and (2) Undressing: 15 minutes, once per day, 7 days per week (15 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.

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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