

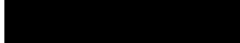
**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Approved in part; Denied in part; Dismissed in part	<b>Appeal Number:</b>	2510897
<b>Decision Date:</b>	10/27/2025	<b>Hearing Date:</b>	09/05/2025
<b>Hearing Officer:</b>	Emily Sabo		

**Appearance for Appellant:**



**Appearance for MassHealth:**

Kelly Rayen, 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

<b>Appeal Decision:</b>	Approved in part; Denied in part; Dismissed in part	<b>Issue:</b>	Prior Authorization; Personal Care Attendant (PCA) Services
<b>Decision Date:</b>	10/27/2025	<b>Hearing Date:</b>	09/05/2025
<b>MassHealth's Rep.:</b>	Kelly Rayen, RN	<b>Appellant's Rep.:</b>	Parent/Guardian
<b>Hearing Location:</b>	Quincy Harbor South	<b>Aid Pending:</b>	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 27, 2025, MassHealth modified the Appellant's prior authorization request for personal care attendant (PCA) services from the requested 53 hours, 15 minutes per week for 44.14 school weeks and 57 hours, 45 minutes per week for 8 vacation weeks, to 44 hours, 15 minutes per week for 44.14 school weeks and 47 hours, 45 minutes per week for 8 vacation weeks. Exhibit 1. The Appellant's guardian filed this appeal with the Board of Hearings in a timely manner on July 23, 2025. 130 CMR 610.015 and Exhibit 2. Modification of a prior authorization request is valid grounds for appeal to the Board of Hearings. 130 CMR 610.032.

### Action Taken by MassHealth

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

### Issue

Was MassHealth correct, pursuant to 130 CMR 422.410 and 130 CMR 450.204(A), to modify the Appellant's prior authorization request for PCA services from the requested 53 hours, 15 minutes

per week for 44.14 school weeks and 57 hours, 45 minutes per week for 8 vacation weeks, to 44 hours, 15 minutes per week for 44.14 school weeks and 47 hours, 45 minutes per week for 8 vacation weeks?

## Summary of Evidence

The hearing officer and Appellant's guardian met in person for the hearing, and the MassHealth representative appeared virtually. The Appellant's representative verified his identity. MassHealth was represented by a Registered Nurse and clinical appeals reviewer. Information from the record and the parties' testimony is summarized as follows: the Appellant is [REDACTED] years old and lives with his mother, who is also his guardian.

[REDACTED]

The Appellant's representative testified that she had not asked for an increase in hours due to the increased time the Appellant spent at home when sick, and was upset that MassHealth had reduced the authorized PCA hours. The Appellant's representative was also upset and offended that MassHealth's modification letter stated that one of the reasons for the modifications was that services requested included social services such as babysitting and respite care.

The MassHealth representative testified that, on June 25, 2025, the Appellant's personal care management (PCM) agency, [REDACTED] submitted a prior authorization reevaluation request to MassHealth, on the Appellant's behalf for 53 hours, 15 minutes per week for 44.14 school weeks and 57 hours, 45 minutes per week for 8 vacation weeks. On June 27, 2025, MassHealth modified the request to 44 hours, 15 minutes per week for 44.14 school weeks and 47 hours, 45 minutes per week for 8 vacation weeks. The time period for the prior authorization request is July 14, 2025, to July 13, 2026.

The MassHealth representative testified that none of MassHealth's modifications were about parental responsibility and that no time had been requested for instrumental activities of daily living. The MassHealth representative explained that MassHealth modified the categories of mobility, eating, bladder care, other healthcare needs (snack), and other healthcare needs (knee immobilizer). At the hearing, the MassHealth representative also clarified that, while not on the notice, MassHealth modified the time for grooming (hair) from 3 minutes daily to 2 minutes daily

for vacation weeks. The MassHealth representative explained that the PCM agency requested 2 minutes daily for school weeks and that MassHealth's modification matched that request.<sup>1</sup> Through discussion at hearing and based on the Appellant's representative's testimony, the MassHealth representative agreed to restore the time requested for toileting (bladder care)<sup>2</sup> and other healthcare needs (knee immobilizer).<sup>3</sup>

The Appellant's representative also provided testimony about the Appellant's daily routine with the PCA, including tasks that were not modified by MassHealth. The Appellant's representative stated that the Appellant requires 2.5 hours of PCA assistance in the morning, 2.5 hours in the afternoon, and 2.5 hours at bedtime, and additional time when the Appellant is not in school. The Appellant's representative explained that this is hands-on activity and does not reflect waiting time by the PCA. The Appellant's representative testified that she provides these services for the Appellant when the PCA is not present.

### **Mobility**

The request indicated that the Appellant requires moderate assistance for a one-person assist with mobility. The request comments state:

HOA room-room- < balance  
bring to/from bus for safety  
physical wkness,< balance, cognitive deficit, developmental delayed, < executive  
function=dep for all care needs

Exhibit 5 at 17.

The PCM requested 90 minutes per week for PCA assistance for school weeks and 84 minutes per week for vacation weeks. This was based on 2 minutes per episode, 5 times per day, 2 days per week and 7 episodes per day, 5 days per week for school weeks; and 2 minutes per episode, 6 times per day, 7 days per week for vacation weeks. MassHealth modified this to 39 minutes per week for school weeks and 49 minutes per week for vacation weeks. MassHealth modified the request to 1 minute per episode, 7 times per day, 2 days per week, and 5 times per day, 5 days per week for school weeks; and 1 minute per episode, 7 times per day, 7 days per week for vacation weeks.

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<sup>1</sup> From the MassHealth representative's explanation, because this was a modification from 21 minutes to 14 minutes over an eight-week period, it did not actually make a difference in the time allotted overall due to rounding.

<sup>2</sup> The PCM agency requested 390 minutes weekly for bladder care for school weeks and 490 minutes weekly for vacation weeks. MassHealth had modified this to 216 minutes weekly for school weeks and 336 minutes weekly for vacation weeks.

<sup>3</sup> The PCM agency requested 49 minutes weekly for the knee immobilizer (all weeks) and MassHealth had reduced this to 35 minutes weekly.

The MassHealth representative explained that mobility is simply walking from one room to one another, and that MassHealth's modified the request to match what was requested last year. The MassHealth representative testified that no documentation was provided explaining why more time was required in comparison to last year.

The Appellant's representative testified that the Appellant is not able to do things independently, and he needs someone to take care of him. The Appellant's representative stated that she was concerned that the PCM agency may not have fully explained the Appellant's needs and that a re-evaluation might be necessary. The Appellant's representative testified that the PCA assists the Appellant with getting on and off the bus to go to school.

### **Eating**

The request indicates that the Appellant is totally dependent for eating. During school weeks, the PCM agency requested 45 minutes, 3 times a day, 2 days per week, and 45 minutes, 2 times per day, 5 days per week, for a total of 720 minutes per week. MassHealth reduced the time per episode to 30 minutes, for a total of 480 minutes per week for school weeks. During vacation weeks, the PCM agency requested 45 minutes, 3 times a day, 7 days per week, for a total of 945 minutes per week. MassHealth reduced this to 30 minutes per episode, for vacation weeks, for a total of 630 minutes per week for vacation weeks.

The MassHealth representative testified that the modification is appropriate because time is only authorized for the PCA to bring the food to the Appellant's mouth. The MassHealth representative testified that the PCA's waiting time while the Appellant chews and swallows is not a covered service.

The Appellant's representative testified that the Appellant is a slow eater. The Appellant's representative testified that the Appellant can gag, and that the PCA must make sure that the Appellant does not aspirate. The Appellant's representative testified that MassHealth's rule about only paying a PCA for the moving of the spoon was ridiculous and that she doubted whether a judge would say that a PCA would only be paid for the time moving the spoon as opposed to the other time required to assist the Appellant with his eating. The Appellant's representative also testified that the Appellant requires many small spoonfuls of food. As part of the fair hearing request, the Appellant's representative also included a letter stating that the Appellant has a hard time swallowing due to his [REDACTED]. The letter also states that the Appellant pockets food in his mouth and that his food needs to be mechanically made.

### **Other Healthcare Needs (Snack)**

The request indicates that the Appellant is to be fed snacks to help him maintain an adequate

weight. The PCM requested 10 minutes per episode, twice a day, 7 days a week for both school and vacation weeks (140 total minutes weekly). MassHealth modified this to 5 minutes per episode, once per day, 5 days per week (school days), and 5 minutes, twice per day, 2 days per week (weekends), for a total of 45 minutes per week during school weeks. MassHealth modified the request during vacation weeks to 5 minutes, twice per day, 7 days per week for a total of 70 minutes weekly.

The MassHealth representative testified that 5 minutes was an appropriate amount of time for the Appellant's snack, and that the covered service was the PCA's physical activity, not waiting for the Appellant to chew.

As part of the fair hearing request, the Appellant's representative wrote a letter explaining that the Appellant's PCA gets the Appellant off the bus at 3:15 and makes food for the Appellant because he is usually hungry, because the staff at the Appellant's school have a hard time feeding him because he is a difficult eater. The Appellant's representative testified that the Appellant has another snack before bed and it takes 10 minutes of PCA assistance.

### **Grooming (Hair)**

As mentioned above, the MassHealth representative testified that MassHealth modified the time for grooming (hair) from 3 minutes daily to 2 minutes daily for vacation weeks. The MassHealth representative explained that the PCM agency requested 2 minutes daily for school weeks and that MassHealth's modification matched that request, and that, due to rounding, this did not impact the overall time allotted, which is in quarter-hour increments.

The Appellant's representative testified that the PCA's assistance with the Appellant's hair can take 3 minutes per day.

## **Findings of Fact**

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

1. The Appellant is [REDACTED] years old and lives with his mother/guardian. Testimony.

2. [REDACTED]

3. On June 25, 2025, [REDACTED] the Appellant's PCM agency, submitted a reevaluation to MassHealth on the Appellant's behalf requesting 53 hours, 15 minutes per week for 44.14 school weeks and 57 hours, 45 minutes per week for 8 vacation weeks for PCA services. Testimony, Exhibits 1 & 5.
4. By notice dated June 27, 2025, MassHealth modified the request to 44 hours, 15 minutes per week for 44.14 school weeks and 47 hours, 45 minutes per week for 8 vacation weeks. The time period for the prior authorization request is July 14, 2025, to July 13, 2026. Testimony, Exhibits 1 & 5.
5. MassHealth modified the time for the activities of daily living for mobility, eating, bladder care, grooming (hair), other healthcare needs (snack), and other healthcare needs (knee immobilizer). Testimony, Exhibits 1 & 5.
6. The Appellant's representative filed a timely appeal with the Board of Hearings on July 23, 2025. Exhibit 2.
7. During the hearing, the MassHealth representative agreed to restore the time requested for toileting (bladder care) to 390 minutes weekly for school weeks and 490 minutes weekly for vacation weeks. The MassHealth representative also agreed to restore the time requested for other healthcare needs (knee immobilizer), totaling 49 minutes weekly (all weeks).
8. The Appellant's PCA assists him with getting on and off the school bus. Testimony, Exhibit 5.
9. The Appellant requires moderate assistance for a one-person assist with mobility. Exhibit 5.
10. The Appellant is totally dependent for eating. The Appellant has difficulty eating at school and eats when he returns home from school in the afternoon. He also has a snack before bed. Testimony, Exhibits 2 & 5.
11. I take administrative notice of the MassHealth PCA Time-for-Task Guidelines.

## **Analysis and Conclusions of Law**

MassHealth regulations about PCA services are found at 130 CMR 422.000 et seq.

### 130 CMR 422.402: Definitions

....

Activities of Daily Living (ADLs) — those specific activities described in 130 CMR 422.410(A) and in the Contract for Personal Care Management (PCM) Services. Such activities are performed by a

personal care attendant (PCA) to physically assist a member with mobility, taking medications, bathing or grooming, dressing, passive range of motion exercises, eating, and toileting.

....

Activity Time — the actual amount of time spent by a PCA physically assisting the member with ADLs and Instrumental Activities of Daily Living (IADLs). Activity time is reported on the activity form.

....

Family Member — the spouse of the member, the parent of a minor member, including an adoptive parent, or any legally responsible relative.

....

Personal Care Attendant (PCA) — a person who meets the requirements of 130 CMR 422.404(A)(1) and who is hired by the member or surrogate to provide PCA services. In addition, for the sole purpose of M.G.L. c. 118E, §§ 70 through 75, a PCA is a person who is hired by the member or surrogate to provide PCA services through a senior care organization (SCO) contracting with the MassHealth agency pursuant to M.G.L. c. 118E, § 9D or a person who is hired by the member or surrogate to provide PCA services through an integrated care organization (ICO) contracting with the MassHealth agency pursuant to M.G.L. c. 118E, § 9F. Unless explicitly stated in 130 CMR 422.000, in the SCO's MassHealth contract, or in the ICO's MassHealth contract, no other provisions of 130 CMR 422.000 apply to any SCO, ICO, or PCA hired by any eligible MassHealth member through a SCO or ICO.

....

Personal Care Attendant Program (PCA Program) — a MassHealth program under which PCA services and associated Personal Care Management and Fiscal Intermediary functions are available to MassHealth members including, for the sole purpose of M.G.L. c. 118E, §§ 70 through 75, those services and functions when provided through a senior care organization (SCO) as defined in M.G.L. c. 118E, § 9D, or an integrated care organization (ICO) as defined in M.G.L. c. 118E § 9F. Unless explicitly stated in 130 CMR 422.000, the SCO's MassHealth contract, or the ICO's MassHealth contract, no other provisions of 130 CMR 422.000 apply to any SCO, ICO, or PCA hired by an eligible MassHealth member through a SCO or ICO.

....

Personal Care Attendant Services (PCA Services) — physical assistance with ADLs and IADLs provided to a member by a PCA in accordance with the member's authorized evaluation or reevaluation, service agreement, and 130 CMR 422.410.

Personal Care Management (PCM) Agency — a public or private agency or entity under contract with EOHHS to provide PCM functions in accordance with 130 CMR 422.000 and the PCM agency contract.

Personal Care Management (PCM) Functions — administrative functions provided by a PCM agency to a member in accordance with a contract with EOHHS, including, but not limited to, functions identified in the PCM agency contract and 130 CMR 422.419(A).

130 CMR 422.410: Activities of Daily Living and Instrumental Activities of Daily Living

(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.

(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.

#### 130 CMR 422.411: Covered Services

(A) MassHealth covers activity time performed by a PCA in providing assistance with ADLs and

IADLs as described in 130 CMR 422.410, as specified in the evaluation described in 130 CMR 422.422(C) and (D), and as authorized by the MassHealth agency.

(B) MassHealth covers transitional living program services provided by an organization in accordance with 130 CMR 422.431 through 422.441 and the MassHealth agency's proposal requirements.

130 CMR 422.412: Noncovered 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.

130 CMR 450.204(A).

The Appellant has the burden “to demonstrate the invalidity of the administrative determination.” *Andrews v. Division of Medical Assistance*, 68 Mass. App. Ct. 228, 231 (2007). See also *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).

At the hearing, the MassHealth representative agreed to restore the time requested for toileting (bladder care) to 390 minutes weekly for school weeks and 490 minutes weekly for vacation weeks. The MassHealth representative also agreed to restore the time requested for other healthcare needs (knee immobilizer), totaling 49 minutes weekly (all weeks). Accordingly, those parts of the appeal are approved and dismissed. 130 CMR 610.035(A)(8).

Four other areas of modification remain in dispute.

### **Mobility**

The PCM agency requested 90 minutes per week for PCA assistance for school weeks and 84 minutes per week for vacation weeks. MassHealth modified this to 39 minutes per week for school weeks and 49 minutes per week for vacation weeks.

Based on my review of the testimony and evidence in the record, including the MassHealth PCA Time-For-Tasks Guidelines, I find that the Appellant has met his burden to show the invalidity of MassHealth’s modification, and I direct that the requested time be restored. I credit the Appellant’s representative’s testimony that the Appellant’s PCA assists him with getting on and off the bus on school days and that two minutes is an appropriate amount of time for someone with the Appellant’s needs. Therefore, the appeal regarding mobility is approved.

### **Eating**

During school weeks, the PCM requested 45 minutes, 3 times a day, 2 days per week, and 45 minutes, 2 times per day, 5 days per week, for a total of 720 minutes per week. During vacation weeks, the PCM agency requested 45 minutes, 3 times a day, 7 days per week, for a total of 945 minutes per week. MassHealth reduced this to 30 minutes per episode, for a total of 480 minutes per week for school weeks and 630 minutes per week for vacation weeks.

I note that the MassHealth PCA Time-For-Tasks Guidelines indicate that 30 minutes is the maximum amount of time recommended for PCA assistance for meals for a member who is totally dependent. I understand the Appellant representative's argument that a PCA who assists someone with eating should be compensated for all of their time in performing the activity, not just lifting the spoon to the Appellant's mouth. However, I also note that regulation 130 CMR 422.410(A)(6), specifically describes eating as "*physically* assisting a member to eat" (emphasis added). To the extent that the Appellant's representative is challenging the legality of the MassHealth regulations, in accordance with 130 CMR 610.082(C)(2), as the hearing officer, I

must not render a decision regarding the legality of federal or state law including, but not limited to, the MassHealth regulations. If the legality of such law or regulations is raised by the appellant, the hearing officer must render a decision based on the applicable law or regulation as interpreted by the MassHealth agency. Such decision must include a statement that the hearing officer cannot rule on the legality of such law or regulation and must be subject to judicial review in accordance with 130 CMR 610.092.

130 CMR 610.082(C)(2).

I find that the Appellant has not met his burden in demonstrating that MassHealth erred in reducing the time approved for eating. Accordingly, this part of the appeal is denied.<sup>4</sup>

### **Other Healthcare Needs (Snack)**

The PCM requested 10 minutes per episode, twice a day, 7 days a week for both school and vacation weeks (140 total minutes weekly). MassHealth modified this to 5 minutes per episode, once per day, 5 days per week (school days), and 5 minutes, twice per day, 2 days per week (weekends), for a total of 45 minutes per week during school weeks. MassHealth modified the request during vacation weeks to 5 minutes, twice per day, 7 days per week for a total of 70 minutes weekly.

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<sup>4</sup> I do note that the Appellant's PCM agency did not request time for instrumental activities of daily living, including meal preparation.

Based on my review of the testimony and evidence in the record, I find that the Appellant eats two snacks at home daily, and that when he returns home from school he has a larger snack because he is unlikely to eat fully when he is at school. Accordingly, I find that the Appellant has met his burden in part, regarding PCA time for other healthcare needs (snacks), on days when he is not having lunch at home. I authorize the following:

- For school weeks
  - For weekends: 5 minutes, twice per day
  - For school days: 10 minutes, once per day and 5 minutes, once per day
  - Totaling 95 minutes weekly for school weeks
- For vacation weeks
  - 5 minutes, twice daily
  - Totaling 70 minutes weekly for vacation weeks

In summary, the appeal is approved in part regarding the time allocated for school weeks, and it is denied in part, regarding the time for vacation weeks.

### **Grooming (Hair)**

For vacation weeks, the PCM agency requested 3 minutes daily for hair grooming. MassHealth reduced this to 2 minutes daily, in keeping with the time requested and approved for school weeks.

Based on my review of the testimony and evidence in the record, I find that the Appellant has not met his burden in demonstrating that MassHealth erred in reducing the time approved for hair grooming, particularly in light of the other time approved for other categories of grooming. Therefore, regarding hair grooming, the appeal is denied.

## **Order for MassHealth**

Adjust notice of June 27, 2025, to authorize PCA assistance weekly for

- Mobility
  - 90 minutes weekly (school weeks)
  - 84 minutes weekly (vacation weeks)
- Other Healthcare Needs (snacks)
  - 95 minutes weekly (school weeks)
- Other Healthcare Needs (knee immobilizer)

- 49 minutes weekly (all weeks)
- Toileting—Bladder Care
  - 390 minutes weekly (school weeks)
  - 490 minutes weekly (vacation weeks)

for the prior authorization period of July 14, 2025, to July 13, 2026, in addition to the PCA assistance time already authorized by MassHealth.

Send notice to Appellant of implementation only; do not include appeal rights.

## **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.

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Emily Sabo

Hearing Officer  
Board of Hearings



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