

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Approved in part; Dismissed in part	<b>Appeal Number:</b>	2511499
<b>Decision Date:</b>	10/28/2025	<b>Hearing Date:</b>	09/03/2025
<b>Hearing Officer:</b>	Emily Sabo		

**Appearance for Appellant:**

 daughter

**Appearance for MassHealth:**

Kelly Rayen, R.N., Clinical Reviewer, 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; Dismissed in part	<b>Issue:</b>	Prior Authorization; Personal Care Attendant (PCA) Services
<b>Decision Date:</b>	10/28/2025	<b>Hearing Date:</b>	09/03/2025
<b>MassHealth's Rep.:</b>	Kelly Rayen, R.N., Optum	<b>Appellant's Rep.:</b>	Daughter
<b>Hearing Location:</b>	Quincy Harbor South (Telephone)	<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 18, 2025, MassHealth modified the Appellant's prior authorization request for personal care attendant (PCA) services. *See* 130 CMR 450.024(A), 130 CMR 422.410, and Exhibit 1. Specifically, MassHealth modified the Appellant's prior authorization request for personal care attendant services from the requested 72 hours and 45 minutes weekly to 62 hours and 15 minutes weekly for the service period of July 3, 2025, to July 2, 2026. *See* Exhibit 1. The Appellant filed this appeal in a timely manner on August 6, 2025. *See* 130 CMR 610.015(B) and Exhibit 2. Modification of assistance is valid grounds for appeal. *See* 130 CMR 610.032.

### Action Taken by MassHealth

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

## Issue

The appeal issue is whether MassHealth was acting within its discretion in modifying the Appellant's prior authorization request for PCA services.

## Summary of Evidence

The hearing was conducted by telephone. The Appellant was represented at hearing by her daughter, who verified the Appellant's identity. A registered nurse and clinical appeals reviewer represented MassHealth at the hearing.

The MassHealth representative testified that the Appellant is [REDACTED] years old, with diagnoses of osteoarthritis, frailty, congestive heart failure, dyspnea upon exertion, a cerebrovascular accident (stroke) in 2023 resulting in left-side weakness, impaired bending, impaired balance, unsteady gait, poor endurance, and poor standing tolerance. The MassHealth representative also testified that the Appellant has a diagnosis of dementia with memory loss, confusion, and impaired orientation. On June 11, 2025, the Appellant's personal care management (PCM) agency, [REDACTED] submitted a re-evaluation request to MassHealth on behalf of the Appellant for PCA services, requesting 72 hours and 45 minutes per week for the service period of July 3, 2025, to July 2, 2026. On June 18, 2025, MassHealth modified the prior authorization to 62 hours and 15 minutes per week for the service period of July 3, 2025, to July 2, 2026.

MassHealth made seven modifications related to PCA assistance with mobility, mobility (transfers), passive range of motion (PROM) exercises, bathing (p.m. wash), bathing (washing hair), assistance with medication, and laundry.

After testimony and additional discussion at hearing, MassHealth and the Appellant's daughter came to agreements on the following categories: PROM; assistance with medication; laundry; mobility, and mobility (transfers).<sup>1</sup> [REDACTED] requested 280 minutes weekly for 1-person physical assist with mobility, which MassHealth modified to 105 minutes weekly. After discussion, the MassHealth representative and Appellant representative agreed to 175 minutes weekly for this activity. [REDACTED] requested 224 minutes weekly for mobility transfers, which MassHealth modified to 84 minutes weekly. During the hearing, the MassHealth and Appellant representative agreed to 140 minutes weekly for this activity.

MassHealth agreed to restore the time for PROM to the requested 140 minutes per week.<sup>2</sup> MassHealth agreed to restore the time for physical assistance with medication to the requested 63

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<sup>1</sup> While the MassHealth representative provided testimony about other aspects of mobility, based on inquiry after the hearing, the MassHealth representative clarified that MassHealth had only modified mobility and mobility (transfers), which were categories that the parties reached agreement on during the hearing. Exhibits 6 and 7.

<sup>2</sup> MassHealth had originally reduced this time to zero. Exhibits 1 and 5.

minutes per week.<sup>3</sup> MassHealth also agreed to restore 90 minutes per week for laundry.<sup>4</sup>

The remaining disputed categories are bathing (p.m. wash and washing hair).

## Bathing

The request states that the Appellant is totally dependent for the activities of bathing and having her hair washed. Exhibit 5 at 20. The PCM agency requested as follows:

Bathing	Minutes/Episode	Episode per day	Days per week	Total Minutes
	35	1	2	70
	30	1	7	210
Washing Hair	5	1	7	35

*Id.* The comments state that the Appellant has two showers per week and due to incontinence requires a wash-up at the end of each day.

The MassHealth representative testified that MassHealth approved the 35 minutes for showering twice a week. The MassHealth representative testified that MassHealth modified the time requested for bathing (p.m. wash) from thirty minutes per day to fifteen minutes daily because the time requested for a sponge bath was longer than ordinarily required. The MassHealth representative testified that MassHealth modified the time requested for hair washing from 5 minutes daily to 5 minutes twice a week because the comments indicated that the Appellant was showering twice a week. The MassHealth representative testified that the time requested for toileting was approved.

The Appellant's representative testified that the Appellant needs to be bathed more often related to incontinence and increased sweating. The Appellant's representative testified that the Appellant sometimes needs two showers in a day. The Appellant's representative testified that they currently bathe the Appellant every day of the week, generally consisting of five days of full showers and two days of sponge baths, and then on a daily basis, the Appellant is cleaned again before bed. The Appellant's representative testified that the Appellant's hair is washed whenever she is showered. The Appellant's representative testified that the Appellant is increasingly needing an additional nighttime shower.

## Findings of Fact

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

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<sup>3</sup> MassHealth had originally reduced this to 42 minutes per week. Exhibits 1 and 5.

<sup>4</sup> MassHealth had originally reduced this to 75 minutes per week. Exhibits 1 and 5.

1. The Appellant is an [REDACTED] year-old woman and MassHealth Standard member (Testimony, Exhibit 4).
2. The Appellant has medical diagnoses of osteoarthritis, frailty, congestive heart failure, dyspnea upon exertion, cerebrovascular accident in 2023 resulting in left-side weakness, impaired bending, impaired balance, unsteady gait, poor endurance, poor standing tolerance, dementia with memory loss, confusion, and impaired orientation (Testimony, Exhibit 5).
3. On June 11, 2025, [REDACTED] submitted a re-evaluation request for PCA services to MassHealth on the Appellant's behalf for 72 hours and 45 minutes weekly (Testimony, Exhibit 1).
4. By notice dated June 18, 2025, MassHealth modified the prior authorization request to allow for 62 hours and 15 minutes per week (Testimony, Exhibit 1).
5. The dates of service for the prior authorization request are July 3, 2025, to July 2, 2026 (Testimony, Exhibit 1).
6. MassHealth made seven modifications related to PCA assistance with mobility, mobility (transfers), PROM exercises, bathing (p.m. wash), bathing (washing hair), assistance with medication, and laundry.
7. Through discussion at hearing, MassHealth and the Appellant's representative reached agreement on the categories of mobility, mobility (transfers), PROM exercises, assistance with medication, and laundry (Testimony).
8. The parties agreed to 175 minutes weekly for 1-person physical assist with mobility (Testimony).
9. The parties agreed to 140 minutes weekly for mobility/transfers (Testimony).
10. MassHealth agreed to restore the time for PROM to the requested 140 minutes per week (Testimony).
11. MassHealth agreed to restore the time for physical assistance with medication to the requested 63 minutes per week (Testimony).
12. MassHealth agreed to restore 90 minutes per week for laundry (Testimony).
13. [REDACTED] request states that the Appellant is totally dependent for the activities of bathing and having her hair washed (Exhibit 5).

14. ██████ requested as follows:

Bathing	Minutes/Episode	Episode per day	Days per week	Total Minutes
	35	1	2	70
	30	1	7	210
<b>Washing Hair</b>	5	1	7	35

(Exhibit 5).

15. MassHealth modified the p.m. bathing time per episode from 30 minutes to 15 minutes, resulting in a reduction from 210 minutes to 105 minutes weekly (Testimony, Exhibit 1).
16. MassHealth modified the time for washing hair to 2 days per week, resulting in a reduction from 35 minutes per week to 10 minutes per week (Testimony, Exhibit 1).
17. The Appellant is currently bathed every day of the week, generally consisting of five days of full showers and two days of sponge baths, and then on a daily basis, the Appellant is cleaned again before bed. The Appellant’s representative testified that the Appellant’s hair is washed whenever she is showered (Testimony).
18. The Appellant filed this appeal in a timely manner on August 6, 2025 (Exhibit 2).
19. 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 Comm’n.*, 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).

Through discussion at hearing, MassHealth and the Appellant’s representative reached agreement on the categories of mobility, mobility (transfers), PROM exercises, assistance with medication, and laundry. The parties agreed to 175 minutes weekly for 1-person physical assist with mobility; 140 minutes weekly for mobility transfers; 140 minutes weekly for PROM; 63 minutes weekly for physical assistance with medication; and 90 minutes weekly for laundry. Accordingly, those parts of the appeal are approved and dismissed. 130 CMR 610.035(A)(8).

Remaining in dispute is the time allocated for bathing, including the evening wash and washing the Appellant’s hair.

### **Bathing**

The PCM agency requested as follows:

<b>Bathing</b>	<b>Minutes/Episode</b>	<b>Episode per day</b>	<b>Days per week</b>	<b>Total Minutes</b>
	35	1	2	70
	30	1	7	210
<b>Washing Hair</b>	5	1	7	35

Exhibit 5 at 20.

Based on testimony stating that the Appellant showered twice a week, MassHealth approved the 35 minutes for showering twice a week. MassHealth modified the time requested for hair washing from 5 minutes daily to 5 minutes twice a week. MassHealth modified the remaining time for bathing (p.m. wash) from thirty minutes per day to fifteen minutes daily because the time requested was longer than ordinarily required.

I credit the Appellant’s representative testimony that the Appellant is showered more than twice per week. I also find that based on the Appellant’s overall condition, as evidenced by the testimony and record, that bathing on a daily basis is an important aspect of maintaining basic hygiene. Accordingly, I find that the Appellant has met her burden regarding hair washing, and that portion

of the appeal is approved for 35 minutes for hair washing weekly. Regarding the p.m. wash, I find that the Appellant has met her burden in part. To account for the 2 days per week that MassHealth authorized the full showering, the Appellant is approved for 20 minutes per episode for the evening wash, twice a week. For the remaining 5 days a week, the Appellant is authorized the requested 30 minutes for bathing. This results in 190 minutes for that category, and 260 minutes when combined with the MassHealth time for bathing already authorized. Therefore, this part of the appeal is approved in part.

## **Order for MassHealth**

Adjust notice of June 18, 2025, to authorize PCA assistance weekly for

- Mobility
  - 1-person physical assist—175 minutes weekly
  - Transfers—140 minutes weekly
- PROM
  - 140 minutes weekly
- Assistance with Medication Administration
  - 63 minutes weekly
- Laundry
  - 90 minutes weekly
- Bathing
  - Hair Washing
    - 35 minutes weekly
  - P.M. Wash
    - 20 minutes, twice a week
    - 30 minutes, 5 days per week
    - Totaling 190 minutes weekly

for the prior authorization period of July 3, 2025, to July 2, 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