

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Dismissed in part; Denied in part	Appeal Number:	2511840
Decision Date:	11/13/2025	Hearing Date:	09/25/2025
Hearing Officer:	Christine Therrien		

Appearances for Appellant:



Appearance for MassHealth:

Kelly Rayen, RN



*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:	11/13/2025	Hearing Date:	09/25/2025
MassHealth’s Rep.:	Kelly Rayen, RN	Appellant’s Rep.:	[REDACTED]
Hearing Location:	Quincy Harbor South Virtual		

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 8/8/25, MassHealth modified the appellant's prior authorization request for personal care attendant (PCA) services. (130 CMR 422.410 and Exhibit 1). The appellant filed this appeal in a timely manner on 8/12/25. (130 CMR 610.015(B) and Exhibit 2). Modifications of a request for assistance are valid grounds for appeal. (130 CMR 610.032).

Action Taken by MassHealth

MassHealth modified the appellant’s request for PCA services.

Issue

The issue is whether MassHealth was correct, under 130 CMR 422.410, 422.412, and 450.204, in modifying the appellant’s prior authorization request for PCA services.

Summary of Evidence

The MassHealth representative testified that the appellant is [REDACTED] with a primary diagnosis of [REDACTED]

[REDACTED] MassHealth representative testified that the appellant is on one medication, an injectable for weight loss. The MassHealth representative testified that, based on the Occupational Therapy Functional Status Report, the appellant is independent with feeding and administering medications. The MassHealth representative testified that the appellant requires supervision for ambulation and minimal assistance with transfers. The MassHealth representative testified that the appellant requires moderate assistance for bathing, toileting, dressing, undressing, and maximum assistance with grooming.

The MassHealth representative testified that a Prior Authorization Request for personal care attendant hours was submitted to MassHealth on 7/28/25 by [REDACTED], requesting 28 hours and 45 minutes per week for one year.

The MassHealth representative testified that MassHealth modified this request by notice dated 8/8/25 to 22 hours and 15 minutes per week, with the effective dates of service from 8/8/25 to 8/7/26.

At the hearing, both parties agreed to 70 minutes per day for assistance with meal preparation and cleanup. The appeal of this issue is **dismissed**.

The MassHealth representative testified that MassHealth modified the request for bathing. The MassHealth representative testified that the time requested for bathing assistance was 30 minutes once a day, seven days a week, and MassHealth modified it to 20 minutes, once a day, 7 days per week. The MassHealth representative testified that this request was modified because the time that was requested for bathing is longer than ordinarily required for someone with the appellant's documented physical needs. The MassHealth representative testified that the documentation provided states the appellant requires moderate assistance, which MassHealth interprets as 50% of the hands-on assistance is provided by the PCA, while the appellant is able to participate in the other 50%. The MassHealth representative testified that the documentation states that the PCA assists with getting the appellant into and out of the shower, gathering supplies, assisting with washing, rinsing, drying, and skin care due to decreased gross motor control, decreased active range of motion in both shoulders and elbows, and decreased grasping and reaching endurance. The MassHealth representative testified that the time that is approved is for the PCA to assist the appellant with transferring into and out of the tub and washing her back and lower extremities. The MassHealth representative testified that the appellant would be able to wash her face, her frontal torso, and perhaps her thighs while she's sitting on the shower transfer bench.

The appellant testified that between [REDACTED] decreasing her mobility. The appellant testified that it does take about 20 minutes to bathe, but this does not include the time it takes to get dressed afterward.

The MassHealth representative testified that the time for dressing and undressing is requested in a different category.

The MassHealth representative testified that MassHealth modified the request for dressing. The MassHealth representative testified that the time requested for dressing was 15 minutes per day, 7 days per week. The MassHealth representative testified that MassHealth modified this to 12 minutes per day, 7 days per week, because the time requested for assistance with dressing is longer than ordinarily required for someone with the appellant's documented needs. The MassHealth representative testified that the documentation states that the appellant requires a moderate level of assistance. The MassHealth representative testified that the documentation states the PCA assists with gathering clothing, dressing, and undressing due to decreased gross motor control and decreased active range of motion to both shoulders and elbows. The appellant testified that she timed getting dressed, and it took 16 - 17 minutes. The appellant testified that she can use a grabber to get her feet into her underwear but then needs assistance with getting her underwear pulled up. The appellant testified that she then needs assistance getting her legs threaded into her pants and pulled up. The appellant testified that she wears a sports bra, which requires assistance.

The MassHealth representative testified that MassHealth modified the request for undressing. The MassHealth representative testified that the time requested for undressing was 10 minutes per day, 7 days per week. The MassHealth representative testified that MassHealth modified this to 8 minutes per day, 7 days per week, because the time requested for assistance with undressing is longer than ordinarily required for someone with the appellant's needs. The appellant testified that it takes about 15 minutes to take off her clothes and put on pajamas. The appellant testified that she gets dressed and undressed twice a day. The MassHealth representative testified that dressing and undressing were requested once a day, and the appellant can have the PCM agency request an adjustment for additional episodes of dressing and undressing.

The MassHealth representative testified that MassHealth modified the request for bowel care. The MassHealth representative testified that the time requested for bowel care was 10 minutes, twice a day, seven days a week, and MassHealth modified it to 7 minutes, twice a day, 7 days per week. The MassHealth representative testified that the request was modified because the time that was requested for bowel care is longer than ordinarily required for someone with the appellant's needs. The MassHealth representative testified that the appellant requires moderate assistance due to decreased active range of motion in both shoulders and elbows and the appellant has decreased reaching, bending, and gross motor control skills. The MassHealth

representative testified that the time authorized is for the PCA to assist the appellant with transferring onto and off the toilet, helping her with her clothes, and then providing hygiene assistance. The MassHealth representative testified that the appellant's requested time for bladder care, 5 minutes, 6 times per day, was approved.

Findings of Fact

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

1. The appellant is [REDACTED] [REDACTED] s that are not intractable.
2. [REDACTED]
3. The appellant is on one medication, an injectable for weight loss.
4. Based on the Occupational Therapy Functional Status Report, the appellant is independent with feeding and administering medications; requires supervision for ambulation, and minimal assistance with transfers; requires moderate assistance for bathing, toileting, dressing, undressing, and maximum assistance with grooming.
5. On 7/28/25, a Prior Authorization Request for personal care attendant hours was submitted to MassHealth by [REDACTED], requesting 28 hours and 45 minutes per week for one year.
6. On 8/8/25, MassHealth modified this request to 22 hours and 15 minutes per week, with the effective dates of service from 8/8/25 to 8/7/26.
7. At the hearing, both parties agreed to 70 minutes per day for assistance with meal preparation and cleanup.
8. The time requested for bathing was 30 minutes once a day, seven days a week.
9. MassHealth modified this request to 20 minutes, once a day, 7 days per week, because the time that was requested for bathing is longer than ordinarily required for someone with the appellant's documented physical needs.
10. The documentation provided states the appellant requires moderate assistance which MassHealth interprets as 50% of the hands-on assistance is provided by the PCA, while the appellant is able to participate in the other 50%.

11. The documentation states that the PCA assists the appellant with getting into and out of the shower, gathering supplies, assisting with washing, rinsing, drying, and skin care due to decreased gross motor control, decreased active range of motion in both shoulders and elbows, and decreased grasping and reaching endurance.
12. The time that is approved is for the PCA to assist the appellant with transferring into and out of the tub and washing her back and her lower extremities. The appellant would be able to wash her face, her frontal torso, and perhaps her thighs while she's sitting on the shower transfer bench.
13. The appellant confirmed that it takes about 20 minutes to bathe.
14. The time requested for dressing was 15 minutes per day, 7 days per week.
15. MassHealth modified this request to 12 minutes per day, 7 days per week, because the time requested for assistance with dressing is longer than ordinarily required for someone with the appellant's documented needs.
16. The documentation states that the appellant requires a moderate level of assistance with dressing.
17. The documentation states that the PCA assists with gathering clothing, dressing, and undressing due to the appellant's decreased gross motor control and decreased active range of motion to both shoulders and elbows.
18. The appellant can use a grabber to get her feet into her underwear and needs assistance with getting her underwear pulled up. The appellant needs assistance getting her legs threaded into her pants and pulled up. The appellant needs assistance putting on her bra.
19. The time requested for undressing was 10 minutes per day, 7 days per week.
20. MassHealth modified this to 8 minutes per day, 7 days per week, because the time requested for assistance with undressing is longer than ordinarily required for someone with the appellant's documented needs.
21. It takes from 15 to 17 minutes for the appellant to undress and dress again.
22. Dressing and undressing were requested once a day, and the appellant may have the PCM agency request an adjustment for additional episodes of dressing and undressing.

23. The time requested for bowel care was 10 minutes, twice a day, seven days a week.
24. MassHealth modified it to 7 minutes, twice a day, 7 days per week. MassHealth modified the request because the time that was requested for bowel care is longer than ordinarily required for someone with the appellant's needs.
25. The appellant requires moderate assistance due to decreased active range of motion in both shoulders and elbows, and the appellant has decreased reaching, bending, and gross motor control skills. The time authorized is for the PCA to assist the appellant with transferring onto and off the toilet, helping her with her clothes, and then providing hygiene assistance.
26. The appellant's requested time for bladder care, 5 minutes, 6 times per day, was approved.

Analysis and Conclusions of Law

MassHealth covers personal care services provided to eligible MassHealth members who can be appropriately cared for in the home when all the following conditions are met:

- (1) The personal care services are prescribed by a physician or a nurse practitioner who is responsible for the oversight of the member's health care.
- (2) The member's disability is permanent or chronic in nature and impairs the member's functional ability to perform ADLs and IADLs without physical assistance.
- (3) The member, as determined by the personal care agency, requires physical assistance with two or more of the following ADLs as defined in 130 CMR 422.410(A):
 - a. mobility, including transfers;
 - b. medications,
 - c. bathing or grooming;
 - d. dressing or undressing;
 - e. range-of-motion exercises;
 - f. eating; and
 - g. toileting.
- (4) The Division has determined that the PCA services are medically necessary and has granted a prior authorization for PCA services.

(130 CMR 422.403(C)).

MassHealth will pay for PCA services provided to MassHealth members who can be appropriately

cared for in the home. (130 CMR 422.401 *et seq.*). The member must require physical assistance. The personal care agency determines the extent of the personal care services provided by a paid PCA. (130 CMR 422.403). Personal care services consist of physical assistance with activities of daily living (ADLs). (130 CMR 422.410(A)).

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

- (A) Activities of Daily Living. Activities of daily living include the following:
- (1) mobility: physically assisting a member who has a mobility impairment that prevents unassisted transferring, walking, or use of prescribed durable medical equipment;
 - (2) assistance with medications or other health-related needs: physically assisting a member to take medications prescribed by a physician that otherwise would be self-administered;
 - (3) bathing or grooming: physically assisting a member with basic care such as bathing, personal hygiene, and grooming skills;
 - (4) dressing or undressing: physically assisting a member to dress or undress;
 - (5) passive range-of-motion exercises: physically assisting a member to perform range-of-motion exercises;
 - (6) eating: physically assisting a member to eat. This can include assistance with tube-feeding and special nutritional and dietary needs; and
 - (7) toileting: physically assisting a member with bowel and bladder needs.
- (B) Instrumental Activities of Daily Living (IADLs). Instrumental activities of daily living include the following:
- (1) household services: physically assisting with household management tasks that are incidental to the care of the member, including laundry, shopping, and housekeeping;
 - (2) meal preparation and clean-up: physically assisting a member to prepare meals;
 - (3) transportation: accompanying the member to medical providers; and
 - (4) special needs: assisting the member with:
 - a. the care and maintenance of wheelchairs and adaptive devices;
 - b. completing the paperwork required for receiving personal care services; and
 - c. other special needs approved by the MassHealth agency as being instrumental to the health care of the member.

The requested services must also be medically necessary for prior authorization to be approved. (130 CMR 450.204). 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) A service is “medically necessary” if:
- (1) it is reasonably calculated to prevent, diagnose, prevent worsening of, alleviate, correct, or cure conditions in the member that endanger life, cause suffering or pain, cause physical deformity or malfunction, threaten to cause or to aggravate a handicap, or result in illness or infirmity; and
 - (2) there is no other medical service or site of service, comparable in effect, available, and suitable for the member requesting the service, that is more conservative or less costly to the MassHealth. Services that are less costly to the MassHealth include, but are not limited to, health care reasonably known by the provider or identified by the 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.

Regulations at 130 CMR 422.412 describe non-covered PCA services, as follows:

MassHealth does not cover any of the following as part of the PCA program or the transitional living program. (130 CMR 422.412).

- (A) social services, including, but not limited to, babysitting, respite care, vocational rehabilitation, sheltered workshop, educational services, recreational services, advocacy, and liaison services with other agencies;
- (B) medical services available from other MassHealth providers, such as physician, pharmacy, or community health center services;
- (C) assistance provided in the form of cueing, prompting, supervision, guiding, or coaching;
- (D) PCA services provided to a member while the member is a resident of a nursing facility or other inpatient facility;
- (E) PCA services provided to a member during the time a member is participating in a community program funded by MassHealth including, but not limited to, day habilitation, adult day health, adult foster care, or group adult foster care;
- (F) services provided by family members, as defined in 130 CMR 422.402; or
- (G) surrogates, as defined in 130 CMR 422.402.
- (H) PCA services provided to a member without the use of EVV as required by the MassHealth agency.

Per 130 CMR 503.007, MassHealth is the payer of last resort and only pays for health care and related services when no other source of payment is available, except as otherwise required by federal law.

- (A) Health Insurance. Every applicant and member must obtain and maintain available health insurance in accordance with 130 CMR 505.000: Health Care Reform: MassHealth: Coverage Types. Failure to do so may result in loss or denial of eligibility unless the applicant or member is
 - (1) receiving MassHealth Standard or MassHealth CommonHealth; and
 - (2) younger than 21 years old or pregnant.
- (B) Use of Benefits. The MassHealth agency does not pay for any health care and related services that are available
 - (1) through the member's health-insurance, if any; or
 - (2) at no cost to the member including, but not limited to, any such services that are available through any agency of the local, state, or federal government, or any entity legally obligated to provide those services.

At the hearing, both parties agreed to 70 minutes per day for assistance with meal preparation and cleanup. The appeal of this issue is **DISMISSED**.

The time requested for bathing was 30 minutes once a day, seven days a week, and MassHealth modified it to 20 minutes, once a day, 7 days per week. MassHealth modified the time that was requested for bathing because it is longer than ordinarily required for someone with the appellant's documented physical needs. The appellant requires moderate assistance and can assist with her bathing. MassHealth approved time for the PCA to assist with transferring into and out of the tub and washing the appellant's back and lower extremities. The appellant did not provide additional information that would medically necessitate more than 20 minutes for assistance with bathing. For this reason, the appeal of the modification to the request for bathing is **DENIED**.

The time requested for dressing was 15 minutes once a day, seven days a week, and MassHealth modified it to 12 minutes, once a day, 7 days per week. The time requested for undressing was 10 minutes once a day, seven days a week, and MassHealth modified it to 8 minutes, once a day, 7 days per week. MassHealth modified the time that was requested for dressing and undressing because they are longer than ordinarily required for someone with the appellant's documented physical needs. The appellant can participate in dressing and undressing. The appellant testified that it takes about 17 minutes to get dressed. She also testified that it takes 15 minutes to take off her clothes and put on pajamas. MassHealth allotted 20 minutes total to undress (8 mins.) and dress (12 mins.), which should be adequate time for the appellant based on her testimony. The appeal of the modifications to the requests for dressing and undressing is **DENIED**.

The time requested for bowel care was 10 minutes, twice a day, 7 days a week. MassHealth modified the request to 7 minutes, twice a day, 7 days per week. MassHealth modified the request because the time that was requested for bowel care is longer than ordinarily required for someone with the appellant's documented physical needs. The appellant's request for

bladder care was approved at 5 minutes, 6 times per day, 7 days a week. The time authorized is for the PCA to assist the appellant with transferring onto and off the toilet, helping her with her clothes, and then providing hygiene assistance. MassHealth does not pay the PCA for waiting time and the appellant did not testify to a reason why hands-on assistance for bowel care would require more than 7 minutes. In addition, bowel care assistance may occur at the same time that the PCA is giving bladder care assistance. The appeal of the modifications to the request for bowel care is **DENIED**.

Order for MassHealth

None, other than the implementation of the time approved by MassHealth at the appeal hearing.

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.

Christine Therrien
Hearing Officer
Board of Hearings


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