

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Approved in Part; Denied in Part; Dismissed in Part	Appeal Number:	2512234
Decision Date:	09/30/2025	Hearing Date:	09/23/2025
Hearing Officer:	Susan Burgess-Cox		

Appearance 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:	Approved in Part; Denied in Part; Dismissed in Part	Issue:	Prior Authorization – Personal Care Services
Decision Date:	09/30/2025	Hearing Date:	09/23/2025
MassHealth's Rep.:	Kelly Rayen, RN	Appellant's Rep.:	
Hearing Location:	All Parties Appeared by Telephone	Aid Pending:	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 August 4, 2025, MassHealth modified the appellant's prior authorization request for personal care services. (130 CMR 422.000; Exhibit 1). The appellant filed this appeal in a timely manner on August 19, 2025. (130 CMR 610.015(B); Exhibit 2). A decision regarding the scope or amount of assistance is valid grounds for appeal. (130 CMR 610.032).

Action Taken by MassHealth

MassHealth modified the appellant's prior authorization request for personal care services. (130 CMR 422.000).

Issue

Whether MassHealth was correct in modifying the appellant's request for personal care services.

Summary of Evidence

All parties appeared by telephone. Documents presented by MassHealth are incorporated into the hearing record as Exhibit 4. The appellant is over the age of 18 and has a primary diagnosis of intervertebral disc disorders with radiculopathy in the lumbosacral region. [REDACTED]

[REDACTED] (Testimony; Exhibit 4). On July 25, 2025, MassHealth received a reevaluation request for Personal Care Attendant (PCA) services. (Testimony; Exhibit 4).

The appellant requested 19.5 day/evening hours each week. (Testimony; Exhibit 4). MassHealth modified this request and approved 17.25 hours each week. (Testimony; Exhibit 4). Dates of service are August 18, 2025 to August 17, 2026. (Testimony; Exhibit 4). MassHealth modified the time requested for 3 tasks. (Testimony; Exhibit 4).

At the hearing, MassHealth restored the time requested for laundry (90 minutes each week). This decision will address the modifications made to the time requested for the 2 remaining modifications: assistance with transfers; and assistance with bathing.

The appellant requested 3 minutes, 2 times each day, 7 days each week for physical assistance with transfers. MassHealth denied the time requested. The records state that the appellant is independent with mobility activities and repositioning. The records state that the appellant needs minimal assistance with transfers. The MassHealth representative testified that the appellant did not receive time for these services in the past and the records state that the appellant uses a cane for short distances in the home, and a walker or a wheelchair for long distances outside of the home. At the assessment, the appellant reported difficulty sitting or standing for any length of time due to pain. At the assessment, the appellant was observed ambulating and transferring independently with a cane.

The appellant testified that he uses equipment to assist with transfers in and out of a chair and can get in and out of bed on his own if things are set up. The appellant was not clear on what that set up would involve but implied that it involved equipment or devices put in place to assist with transfers. The appellant testified that the PCA assists him in getting in and out of bed if they are there to offer assistance. The appellant testified that circumstances have changed since last year as he received assistance from his spouse and children in the past but he is currently undergoing a divorce so no longer lives with them.

The appellant requested 40 minutes each day for assistance with bathing. MassHealth modified this request and approved 30 minutes each day for assistance with bathing. The records state that

the appellant continues to require assistance in and out of the tub due to impaired balance. The appellant has difficulty with any bending of the back as there are multiple steel rods from his neck to lower back. He requires frequent rest periods due to decreased strength and endurance. The appellant fatigues easily. The appellant requires maximum assistance for upper body and lower body bathing due to limited active range of motion to the bilateral extremities related to rotator cuff tears. The appellant has impaired bending/reaching due to multiple surgeries to his back and hip. The appellant cannot reach below the knee due to impaired bending. The appellant no longer has a shower chair. The appellant was advised to order a shower chair.

The appellant testified that he cannot bend in the shower whether he is sitting or standing. The appellant testified that he can wash his face, chest and belly to some degree on his own. The appellant testified that he can also wash his arms but cannot reach his shoulders. The appellant testified that his condition gets worse each day. The appellant testified that he does not know exactly how much time it takes to complete the task of showering.

Findings of Fact

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

1. The appellant is over the age of 18 and has a primary diagnosis of intervertebral disc disorders with radiculopathy in the lumbosacral region.
2. The appellant's relevant medical history 
3. On July 25, 2025, MassHealth received a reevaluation request for Personal Care Attendant (PCA) services.
4. The appellant requested 19.5 day/evening hours each week.
5. MassHealth approved 17.25 hours each week.
6. Dates of service are August 18, 2025 to August 17, 2026.
7. At the hearing, MassHealth restored the time requested for laundry (90 minutes each week).

8. The appellant requested 3 minutes, 2 times each day, 7 days each week for physical assistance transfers.
9. MassHealth denied the time requested for transfers.
10. The appellant requires minimal assistance with transfers.
11. The appellant is independent with mobility activities and repositioning.
12. The appellant can ambulate independently using a cane for short distances and a walker or a wheelchair for long distances.
13. The appellant has difficulty sitting or standing for any length of time due to pain.
14. The appellant lives alone.
15. In the past, the appellant lived with family members who provided some assistance with tasks such as transfers.
16. The appellant uses equipment to assist with transfers in and out of a chair and can get in and out of bed on his own if things are set up.
17. The appellant requested 40 minutes each day for assistance with bathing.
18. MassHealth approved 30 minutes each day for assistance with bathing.
19. The appellant requires assistance in and out of the tub due to impaired balance.
20. The appellant has difficulty with any bending of the back as there are multiple steel rods from his neck to lower back.
21. The appellant requires frequent rest periods due to decreased strength and endurance.
22. The appellant fatigues easily.
23. The appellant requires maximum assistance for upper body and lower body bathing due to limited active range of motion to the bilateral extremities related to rotator cuff tears.
24. The appellant has impaired bending/reaching due to multiple back surgeries to his back and hip.
25. The appellant can't reach below the knees due to impaired bending.

26. The appellant can wash his upper body and extremities on his own.
27. The appellant no longer has a shower chair.

Analysis and Conclusions of Law

MassHealth covers personal care services only when provided to eligible MassHealth members, subject to the restrictions and limitations described in the MassHealth regulations. (130 CMR 422.403). MassHealth covers personal care services provided to eligible MassHealth members who can be appropriately cared for in the home when all of the following conditions are met:

- (1) The PCA services are authorized for the member in accordance with 130 CMR 422.416.
- (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. assistance with medications or other health related needs;
 - c. bathing/grooming;
 - d. dressing or undressing;
 - e. passive range-of-motion exercises;
 - f. eating; and
 - g. toileting.
- (4) MassHealth has determined that the PCA services are medically necessary. (130 CMR 422.403(C)).

The appellant meets the conditions to receive such services. (130 CMR 422.403(C)).

Prior authorization for PCA services determines the medical necessity of the authorized service. (130 CMR 422.416). The regulations for MassHealth define a service as "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 the MassHealth agency. Services that are less costly to the MassHealth agency include, but are not limited to, health care reasonably known by the provider, or identified by the MassHealth agency pursuant to a prior-authorization request, to be available to the member through sources described in 130 CMR 450.317(C), 503.007: Potential Sources of Health Care, or 517.007: Utilization of Potential Benefits. (130 CMR 450.204(A)).

Medically necessary services must be of a quality that meet professionally recognized standards of health care, and must be substantiated by records including evidence of such medical necessity and quality. (130 CMR 450.204(B)). A provider must make those records, including medical records, available to MassHealth upon request. (130 CMR 450.204(B)).

Upon hearing testimony and reviewing evidence at hearing, MassHealth adjusted their decision and approved the time requested for laundry (90 minutes each week). As MassHealth restored the time requested for this task, the issue on appeal has been resolved regarding this task. Therefore, this part of the appeal is dismissed. (130 CMR 610.035; 130 CMR 610.051).

Activities of daily living include physically assisting a member who has a mobility impairment that prevents unassisted transferring, walking, or use of prescribed durable medical equipment. (130 CMR 422.410(A)(1)). The appellant requested 3 minutes, 2 times each day, 7 days each week for physical assistance with transfers. Records state that the appellant requires minimal assistance with transfers. While the appellant can complete some transfers on his own, the time requested for two times each day does not appear excessive or unnecessary for someone who requires some assistance and can only get in and out of bed if things are “set up” or someone is there to provide assistance. Additionally, while the appellant has not requested time for this service in the past, he is now living alone so circumstances have changed regarding his need for assistance from a PCA. The decision made by MassHealth denying the time for transfers is not correct. This part of the appeal is approved.

Activities of daily living include physically assisting a member with bathing, personal hygiene, or grooming. (130 CMR 422.410(A)(3)). Records and testimony presented at hearing demonstrate that the appellant requires 30 minutes, 1 time each day, 7 days each week for assistance with showering. The appellant testified that he is able to wash his upper body and it appears that some of the time is for resting due to fatigue. MassHealth does not cover time for assistance provided in the form of cueing, prompting, supervision, guiding, or coaching. (130 CMR 422.412(C)). Time spent to allow the appellant to rest before completing the task of showering falls under the category of supervision so not covered under the PCA program. (130 CMR 422.412(C)).

Additionally, the appellant should obtain and utilize durable medical equipment, such as a shower chair, to assist with this task. In determining whether a service is medically necessary, the agency looks to whether 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 agency. (130 CMR 450.204(A)(2)). Paying for one piece of medical equipment such as a shower chair is less costly to the agency than paying an individual to perform showering tasks for a whole year because the member does not have such equipment. The decision regarding the modification made to the time for assistance with showering is correct. This part of the appeal is denied.

As noted above, this appeal is approved in part, dismissed in part and denied in part.

Order for MassHealth

Approve the time requested for the following tasks:

- Laundry – 90 minutes each week;
- Transfers – 3 minutes, 2 times each day, 7 days each week.

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.

Susan Burgess-Cox
Hearing Officer
Board of Hearings

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