

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Dismissed in part; Denied in part	Appeal Number:	2512558
Decision Date:	10/15/2025	Hearing Date:	10/02/2025
Hearing Officer:	Sharon Dehmand		

Appearance for Appellant:



Appearance for MassHealth:

Robin Brown, O.T., Clinical Appeal Reviewer,
Optum

Interpreter:



*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; Personal Care Attendant (PCA) Services
Decision Date:	10/15/2025	Hearing Date:	10/02/2025
MassHealth's Rep.:	Robin Brown, O.T.	Appellant's Rep.:	██████████
Hearing Location:	Remote	Aid Pending:	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 July 22, 2025, MassHealth modified the appellant's prior authorization request for personal care attendant (PCA) services. See 130 CMR 450.303; 130 CMR 422.410; and Exhibit 1. The appellant filed a timely appeal on August 28, 2025. See 130 CMR 610.015(B) and Exhibit 2. An aid pending protection was put in place to protect the appellant's benefits. A decision regarding the scope or amount of assistance is a valid ground for appeal before the Board of Hearings. See 130 CMR 610.032(A)(3).

Action Taken by MassHealth

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

Issue

Whether MassHealth was correct in modifying the appellant's request for PCA services pursuant to 130 CMR 422.410 and 130 CMR 450.303.

Summary of Evidence

All parties participated telephonically. MassHealth was represented by a registered occupational therapist and clinical appeals reviewer. The appellant's nephew, who is also his PCA and appeal representative, appeared on his behalf and verified his identity. The following is a summary of the testimony and evidence provided at the hearing:

The MassHealth representative testified that the documentation submitted shows the appellant is under [REDACTED] years of age with a primary diagnosis of traumatic compartment syndrome of left lower extremity. The appellant has a history of diabetes with neuropathy, left foot drop, depression, and PTSD [REDACTED]. He walks independently with a walker but has difficulty with balance, endurance, bending, and squatting. The appellant has an impaired grip and limited range of motion. He was living with a roommate who was also receiving PCA services, however, it was reported that he no longer lives with that roommate.

On July 17, 2025, the appellant's personal care management (PCM) agency, [REDACTED] submitted a prior authorization for PCA services requesting 19 hours and 30 minutes per week for dates of service of September 23, 2025 to September 22, 2026. On July 22, 2025, MassHealth modified the request to 16 hours and 30 minutes per week. MassHealth made eight (8) modifications related to PCA assistance, namely: passive range of motion, dressing, undressing, toileting (bladder care and bowel care), laundry, housekeeping, and shopping. See generally Exhibit 5.

The appellant's representative confirmed that the appellant lives alone and that he is able to walk independently with the aid of a walker or a cane. He also stated that he agreed with MassHealth's denial of the requested time for PCA assistance with passive range of motion because he agreed that the appellant was able to perform this task without any assistance. Id. at 20.

Based on the testimony at the hearing, MassHealth fully restored the time as requested for PCA assistance with toileting (bladder care and bowel care), laundry, housekeeping, and shopping. Id. at 27, 37-38.

The following modifications remained in dispute during the hearing:

Dressing

The appellant requested 8 minutes, once per day, 7 days per week. MassHealth modified this request to 6 minutes, once per day, 7 days per week because it determined that the time requested is longer than ordinarily required for someone with the appellant's physical needs. Id. at 25. The MassHealth representative testified that the appellant requires minimal assistance with this activity because he is able to move his arms and legs to assist with his dressing.

The appellant's representative agreed that the appellant can move his arms and legs to assist with his dressing but stated that the appellant requests that the PCA perform this task slowly. As such, he has to honor the appellant's wishes.

Undressing

The appellant requested 6 minutes, once per day, 7 days per week. MassHealth modified this request to 4 minutes, once per day, 7 days per week because it determined that the time requested is longer than ordinarily required for someone with the appellant's physical needs. Id. at 25. She reiterated that the appellant is able to assist with this activity by moving his arms and legs.

The appellant's representative testified that he has never timed this task but added that the appellant is getting weaker each year.

Findings of Fact

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

1. The appellant is under [REDACTED] years of age with a primary diagnosis of traumatic compartment syndrome of left lower extremity. (Testimony and Exhibit 5).
2. The appellant has a history of diabetes with neuropathy, left foot drop, depression, and PTSD [REDACTED] (Testimony and Exhibit 5).
3. The appellant is able to walk independently with a walker but has difficulty with balance, endurance, bending, and squatting. The appellant has an impaired grip and limited range of motion. (Testimony).
4. On July 17, 2025, MassHealth received a prior authorization for PCA services requesting 19 hours and 30 minutes per week for dates of service of September 23, 2025 to September 22, 2026.
5. On July 22, 2025, MassHealth informed the appellant that it had modified the request to 16 hours and 30 minutes per week. (Testimony and Exhibit 1).
6. MassHealth made eight (8) modifications related to PCA assistance, namely: passive range of motion, dressing, undressing, toileting (bladder care and bowel care), laundry, housekeeping, and shopping. (Testimony and Exhibit 1).
7. At the hearing, MassHealth fully restored time as requested for PCA assistance with toileting

(bladder care and bowel care), laundry, housekeeping, and shopping, which resolved the disputes related to PCA assistance with these tasks. (Testimony).

8. At the hearing, the appellant's representative agreed with MassHealth's denial of the requested time for PCA assistance with passive range of motion, which resolved the dispute related to PCA assistance with this task. (Testimony).
9. The appellant requested 8 minutes, once per day, 7 days per week for dressing. MassHealth modified this request to 4 minutes, once per day, 7 days per week because it determined that the time requested is longer than ordinarily required for someone with the appellant's physical needs. (Testimony and Exhibit 5).
10. The appellant requested 6 minutes, once per day, 7 days per week for undressing. MassHealth modified this request to 4 minutes, once per day, 7 days per week because it determined that the time requested is longer than ordinarily required for someone with the appellant's physical needs. (Testimony and Exhibit 5).
11. The appellant, who lives alone, has been classified as requiring a minimum level of assistance. The appellant can move his arms and legs to assist with his dressing and undressing. (Id.).
12. The appellant filed a timely appeal on August 28, 2025. (Exhibit 2).
13. An aid pending protection was put in place to protect the appellant's benefits.

Analysis and Conclusions of Law

Regulations concerning personal care attendant (PCA) services are found at 130 CMR 422.000, et seq. PCA is defined as a person who is hired by the member or surrogate to provide PCA services. See 130 CMR 422.402. PCA services are physical assistance with activities of daily living (ADLs) and instrumental activities of daily living (IADLs), as described in 130 CMR 422.410. Id.

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 PCM agency, requires physical assistance with two or more of the ADLs as defined in 130 CMR 422.410(A).

(4) The MassHealth agency has determined that the PCA services are medically necessary.¹

See 130 CMR 422.403(C).

The regulation concerning ADLs in 130 CMR 422.410 is as follows:

(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;

¹ 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. See 130 CMR 450.204(A).

- (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.

Here, there is no dispute that the appellant meets all the requirements to qualify for PCA services. The issue is whether MassHealth allowed sufficient time in accordance with the program regulations.

MassHealth will approve “activity time performed by a PCA in providing assistance.” See 130 CMR 422.411. “Activity time” is defined as the “actual amount of time spent by a PCA physically assisting the member” with his ADLs/IADLs. See 130 CMR 422.402.

At issue in this appeal were modifications of time requested for PCA assistance for the appellant with both ADLs and IADLs. The following ADLs were the subject of modifications: passive range of motion, dressing, undressing, toileting (bladder care and bowel care). The following IADLs were the subject of modifications: laundry, housekeeping, and shopping.

At the hearing, the appellant’s representative agreed to the modifications that MassHealth made in the following categories:

Passive range of motion (PROM): MassHealth denied the requested time of 2 minutes, twice per day, 7 days per week;

Toileting (bladder care): MassHealth restored the requested time of 4 minutes, 6 times per day, 7 days per week;

Toileting (bowel care): MassHealth restored the requested time of 5 minutes, once per day, 7 days per week;

Laundry: MassHealth restored the requested time of 90 minutes per week.

Housekeeping: MassHealth restored the requested time of 45 minutes per week.

Shopping: MassHealth restored the requested time of 60 minutes per week.

The appellant's representative accepted the modifications made by MassHealth as described above. Since the parties reached a resolution regarding these issues, these portions of the appeal are DISMISSED in accordance with 130 CMR 610.035(A)(8).

Two modifications to the requested time for ADLs remained in dispute, namely: dressing and undressing.

Dressing

MassHealth modified the requested time of 8 minutes, once per day, 7 days per week, to 6 minutes, once per day, 7 days per week because it determined that the time requested is longer than ordinarily required for someone with the appellant's physical needs. The MassHealth representative referenced the appellant's medical records and stated that the appellant has been classified as requiring a minimum level of assistance. See Exhibit 5, p. 25. Additionally, he is able to move his arms and legs to assist with the task of dressing.

The appellant's representative agreed that the appellant can move his arms and legs to assist with his dressing but stated that the appellant requests that the PCA perform this task slowly. As such, he has to honor the appellant's wishes. I find that based on this record the appellant has not demonstrated by a preponderance of the evidence that the additional PCA service hours to assist with dressing are medically necessary. See Craven v. State Ethics Comm'n, 390 Mass. 191, 200 (1983)("[p]roof by a preponderance of the evidence is the standard generally applicable to administrative proceedings"); 130 CMR 450.204(A). The appellant's PCA agreed that the appellant is able to move his extremities and assist with the task of dressing. The appellant's preference for having his PCA perform this task at a slower pace does not constitute a medical necessity within the meaning of the applicable regulations. See id. As such, MassHealth was correct in modifying the appellant's request for PCA services pursuant to 130 CMR 422.410. Accordingly, the appellant's request for additional time for this task is DENIED.

Undressing

MassHealth modified the requested time of 6 minutes, once per day, 7 days per week, to 4 minutes, once per day, 7 days per week because it determined that the time requested is longer

than ordinarily required for someone with the appellant's physical needs. She reiterated that the appellant is able to assist with this activity by moving his arms and legs. The appellant's representative testified that he has never timed this task but added that the appellant is getting weaker each year.

For the same reasons as set forth supra, I find that the appellant has not demonstrated by a preponderance of the evidence that the additional PCA service hours to assist with undressing are medically necessary. See 130 CMR 450.204(A). The appellant's representative did not offer any evidence to support the request for additional PCA service hours, relying solely on his assertion without substantiation by the record, that the appellant is getting weaker each year. Accordingly, the appellant's request for additional time for this task is DENIED.

Order for MassHealth

Remove aid pending protection. For the PA period beginning on September 23, 2025 ending on September 22, 2026, approve the following PCA service hours:

- Dressing: 6 minutes, once per day, 7 days per week;
- Undressing: 4 minutes, once per day, 7 days per week;
- Toileting (bladder care): 4 minutes, 6 times per day, 7 days per week;
- Toileting (bowel care): 5 minutes, once per day, 7 days per week;
- Laundry: 90 minutes per week;
- Housekeeping: 45 minutes per week;
- Shopping: 60 minutes per 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 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.

Sharon Dehmand, Esq.
Hearing Officer
Board of Hearings

cc: [REDACTED]

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