

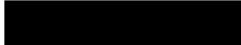
**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied in part; Dismissed in part	Appeal Number:	2513378
Decision Date:	12/9/2025	Hearing Date:	10/20/2025
Hearing Officer:	Thomas Doyle	Record Open to:	N/A

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:	Denied in part; Dismissed in part	Issue:	Prior Authorization – PCA Services
Decision Date:	12/9/2025	Hearing Date:	10/20/2025
MassHealth's Rep.:	Kelly Rayen RN	Appellant's Rep.:	██████████
Hearing Location:	Remote (phone)	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 22, 2025, MassHealth modified appellant's request for prior authorization for Personal Care Attendant (PCA) services. (Ex. 1). Appellant filed this appeal in a timely manner on September 15, 2025. (130 CMR 610.015(B) and Ex. 2). Modification of a request for PCA services is a valid basis for appeal (130 CMR 610.032).

Action Taken by MassHealth

MassHealth modified appellant's request for PCA services.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 422.410, in modifying appellant's request for PCA services.

Summary of Evidence

Appellant's father appeared by phone on appellant's behalf. MassHealth was represented by a Registered Nurse, (RN), who also appeared by phone. The hearing commenced, all were sworn and documents were marked as evidence. The RN testified appellant is a pre-teen female. She has a diagnosis of autism. (Testimony; Ex. 4, p. 14). Appellant's PCM agency, [REDACTED] submitted a prior authorization request for PCA services on August 18, 2025 requesting 5 hours and 15 minutes a week for one year. MassHealth modified the request on August 22, 2025 to 4 hours and 30 minutes a week. Dates of service are September 8, 2025 to September 7, 2026. Appellant filed an appeal on September 15, 2025. (Ex. 2).

The MassHealth representative testified that there were 2 areas of modification to the PA request. At hearing, 1 of these modifications was resolved as follows:

Other Healthcare Needs (menses care): Appellant requested 25 minutes a week with MassHealth modifying this to 15 minutes a week. (Testimony; Ex. 4, p. 31). After testimony and discussion between the parties, appellant's father accepted MassHealth's modification to 20 minutes a week. (Testimony).

The 1 area of modification that remains in dispute is Bathing. The MassHealth representative testified to the basis for MassHealth's modification, and the appellant responded in turn.

Bathing:

Appellant requested PCA assistance with Bathing in the amount of 15 minutes an episode, 1 episode a day, 1 day a week. (Testimony; Ex. 4, p. 21). MassHealth modified the request to 10 minutes an episode, 1 episode a day, 1 day a week. (Testimony). The MassHealth representative stated MassHealth modified the request because the time requested is longer than ordinarily required for someone with appellant's needs. (Testimony). The RN read the comments regarding bathing which state:

"Independent with supervision to set (sic) into the shower, with VC (verbal cues) will apply wash cloth to skin but reports only will swipe or play relying on PCA to fully wash head to toe to be thorough, D (dependent) to wash and rinse hair, A (assist) to fully dry off, requires VC to lift limbs with min A to fully extend to access all area, reports will only play in shower." (Ex. 4, p. 22).

The RN stated MassHealth modified the time for Bathing because they will only pay for hands on assistance for the PCA to assist the consumer with the hard-to-reach areas, wash and rinse her hair, wash her face and help the consumer dry off. The RN stated MassHealth will not pay for PCA time for verbal cues and supervision, as those are non-covered services. (130 CMR 422.412 (C)).

Appellant's father stated he did not understand why time was taken away from his daughter.

The RN further explained that documentation shows the consumer is independent with many tasks.¹ The RN stated that if the consumer requires supervision and verbal cues to tell her to wash her arms or wash her face, supervision and verbal cues are noncovered services as PCAs are only compensated for actual hands-on assistance. (Testimony). The appellant's father then stated that when they try to help his daughter she does something else and that she is a "difficult kid." (Testimony).

Findings of Fact

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

1. Appellant is a pre-teen female with a diagnosis of autism. (Testimony; Ex. 4, p. 14).
2. Appellant's PCM agency, [REDACTED] submitted a prior authorization request for PCA services on August 18, 2025 requesting 5 hours and 15 minutes a week for one year. (Testimony; Ex. 4).
3. MassHealth modified the request on August 22, 2025 to 4 hours and 30 minutes a week. (Testimony). Appellant filed an appeal on September 15, 2025. (Ex. 2).
4. There are 2 areas of modification to the PA request. Appellant requested PCA assistance with Bathing in the amount of 15 minutes an episode, 1 episode a day, 1 day a week. (Testimony; Ex. 4, p. 21). MassHealth modified the request to 10 minutes an episode, 1 episode a day, 1 day a week. (Testimony).
5. For Other Healthcare Needs, (menses care), appellant requested 25 minutes a week with MassHealth modifying this to 15 minutes a week. (Testimony; Ex. 4, p. 31).
6. After testimony and discussion between the parties, appellant accepted MassHealth's modification to 20 minutes a week for menses care. (Testimony).

Analysis and Conclusions of Law

The appellant has the burden "to demonstrate the invalidity of the administrative determination." Andrews v. Division of Medical Assistance, 68 Mass. App. Ct. 228 (2007). Moreover, "[p]roof by a preponderance of the evidence is the standard generally applicable to administrative proceedings." Craven v. State Ethics Comm'n, 390 Mass. 191, 200 (1983).

¹ Along with getting into the shower, the consumer is independent with Mobility, (Ex. 4, p. 18), Undressing, (Ex. 4., p. 25) and Eating (Ex. 4, p. 26).

Regulations concerning Personal Care Attendant (PCA) Services are found at 130 CMR 422.000, et seq. 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. Pursuant to 130 CMR 422.403(C), MassHealth covers PCA services when (1) they 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 ADLs as defined in 130 CMR 422.410(A); and (4) MassHealth has determined that the PCA services are medically necessary. ADLs and IADLs are addressed in 130 CMR 422.410, which provides as follows:

(A) Activities of Daily Living (ADLs). 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 MassHealth as being instrumental to the health care of the member.

PCA services requested must meet medical necessity criteria as defined at 130 CMR 450.204, below:

(A) 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 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, or 517.007.

(B) Medically necessary services must be of a quality that meets professionally recognized standards of health care and must be substantiated by records including evidence of such medical necessity and quality. A provider must make those records, including medical records, available to the MassHealth agency upon request. (See 42 U.S.C. 1396a(a)(30) and 42 CFR 440.230 and 440.260.)

422.412: Non-covered Services

MassHealth does not cover any of the following as part of the PCA program or the transitional living program:

...

(B) assistance provided in the form of cueing, prompting, supervision, guiding, or coaching.

In this case, MassHealth modified the appellant's PA request for PCA services by reducing the time requested for 2 activities. After resolution of 1 of these modifications at hearing, the area of Bathing remains in dispute.

Bathing:

Appellant requested PCA assistance with Bathing in the amount of 15 minutes an episode, 1 episode a day, 1 day a week. MassHealth modified the request to 10 minutes an episode, 1

episode a day, 1 day a week. The MassHealth representative stated MassHealth modified the request because the time requested is longer than ordinarily required for someone with appellant's needs and because MassHealth will only pay for hands on assistance for the PCA to assist the consumer with the hard-to-reach areas, washing and rinsing the consumer's hair, washing her face and helping the consumer dry off. MassHealth will not pay for PCA time for verbal cues and supervision, as those are non-covered services. (130 CMR 422.412 (C)). Appellant's father stated he did not understand why time was taken away from his daughter. He stated that when they try to help his daughter she does something else and that she is a "difficult kid." The comments provided by the PCM agency state the consumer is independent with supervision getting into the tub and with verbal cues the consumer will apply wash cloth to skin. It further states the consumer requires verbal cues to lift her arms. (Ex. 4, p. 22). The regulations are clear that assistance provided in the form of cueing, prompting, supervision, guiding, or coaching are noncovered services. As MassHealth is bound by the regulations and the record is clear the consumer needs cueing and supervision while bathing, appellant has not met her burden regarding the time she requested for the ADL of Bathing. This part of the appeal is denied.

For the reasons set forth above, appellant has not demonstrated the medical necessity of the full PCA time requested for Bathing. This appeal is denied in part, as to Bathing, and dismissed in part (as to the issue resolved at hearing).

Order for MassHealth

Implement the changes agreed to at 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.

Thomas Doyle
Hearing Officer
Board of Hearings

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