

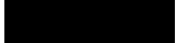
**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



|                         |  |                        |            |
|-------------------------|--|------------------------|------------|
| <b>Appeal Decision:</b> | Dismissed, in part,<br>Denied, in part | <b>Appeal Number:</b>  | 2513625    |
| <b>Decision Date:</b>   | 12/15/2025                             | <b>Hearing Date:</b>   | 10/29/2025 |
| <b>Hearing Officer:</b> | Patrick Grogan                         | <b>Record Open to:</b> | N/A        |

**Appearance for Appellant:**



**Appearances for MassHealth:**

Cassandra Horne, Appeals and Grievances  
Manager, CCA  
Jeremiah Mancuso, RN, Clinical Appeals Nurse,  
CCA

**Interpreter:**

N/A



*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>   | Dismissed, in part,<br>Denied, in part      | <b>Issue:</b>            | Managed Care<br>Organization, Denial<br>of Internal Appeal,<br>Prior Authorization,<br>Modification of PCA<br>hours |
| <b>Decision Date:</b>     | 12/15/2025                                  | <b>Hearing Date:</b>     | 10/29/2025  |
| <b>MassHealth's Rep.:</b> | Cassandra Horne,<br>Jeremiah Mancuso,<br>RN | <b>Appellant's Rep.:</b> | ██████████  |
| <b>Hearing Location:</b>  | Remote (Tel)                                | <b>Aid Pending:</b>      | 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 September 16, 2025, Commonwealth Care Alliance (CCA), a MassHealth Integrated Care Organization (ICO)<sup>1</sup> and MassHealth's agent, denied the Appellant's level one appeal of a modification of a prior authorization (PA) request for personal care attendant (PCA) services, from the requested 35.25 hours per week of PCA services to 21.25 hours per week of PCA services<sup>2</sup>. (Exhibit 1) The Appellant filed this external appeal with the Board of

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<sup>1</sup> An Integrated Care Organization is defined at 130 CMR 501.001 as "an organization with a comprehensive network of medical, behavioral-health care, and long-term services and supports providers that integrates all components of care, either directly or through subcontracts, and has contracted with the Executive Office of Health and Human Services (EOHHS) and the Centers for Medicare & Medicaid Services (CMS) and been designated as an ICO to provide services to dual eligible individuals under M.G.L. c. 118E. ICOs are responsible for providing enrollees with the full continuum of Medicare- and MassHealth-covered services."

<sup>2</sup> The Notice under appeal indicates that the Appellant has been approved for 27.75 total hours per week. (Exhibit 1) This is a result of Aid Pending being applied and continuing with the hours as approved for the prior service year. (Testimony, Exhibit 5) CCA explained that the modifications have resulted in an approved time of 21.25 hours per

Hearings (BOH) in a timely manner on September 18, 2025. (130 CMR 610.015; Exhibit 2). Denial of a level one internal appeal by a managed care organization or integrated care organization is a valid ground for appeal to the BOH (130 CMR 610.032(B)).

## Action Taken by MassHealth

CCA denied the Appellant's level one internal appeal of modification of a request for PCA services from 35.25 hours per week to 21.25 hours per week.

## Issue

Did CCA correctly deny the Appellant's level one internal appeal of a modification of a request for PCA services from 35.25 hours per week to 21.25 hours per week?

## Summary of Evidence

The Appellant is a MassHealth member under the age of [REDACTED] who seeks prior approval for PCA services. (Testimony, Exhibit 1, Exhibit 6). Commonwealth Care Alliance (CCA) received a prior authorization request for PCA services submitted by [REDACTED] the Appellant's Personal Care Management (PCM) Agency, seeking 35.25 total hours per week. (Testimony, Exhibit 6, pgs. 82-107) The Appellant's diagnoses include anxiety disorder, unspecified, fibromyalgia, orthostatic hypotension, and diverticulosis, among other diagnoses. (Exhibit 6, pgs. 4-5) CCA reduced the Appellant's request of 35.25 hours of Personal Care Attendant Services (PCA) to 21.25 hours of PCA services per week. (Testimony, Exhibit 6, pg.1) Multiple modifications were made, 5 in total: 1 increase of the time to the daytime hours assigned for the Activity of Daily Living (ADL) of Toileting, bladder care (3 minutes, 6 times a day, 7 days a week increased to 3 minutes, 8 times a day, 7 days a week); 1 decrease of the time to the nighttime hours assigned for the ADL of Toileting (14 nighttime hours denied); and 3 decreases of the time requested for the Instrumental Activities of Daily Living (IADL) of Laundry (75 minutes decreased to 60 minutes), Housekeeping (75 minutes decreased to 60 minutes), and Shopping (75 minutes decreased to 60 minutes). The parties reached resolution on 4 of the modifications, but the parties were unable to reach resolution on 1 of the modifications.

Regarding the first modification, ADL – Toileting, daytime, the frequency was increased from 3 minutes, 6 times a day, 7 days a week to 3 minutes, 8 times a day, 7 days a week (Exhibit 6, pgs. 1-3, 89). Within CCA's submission, it notes that the increase in frequency was based, in part, on the denial of nighttime hours. (Exhibit 6, pg. 1) At Hearing, the Appellant accepted this increase, resolving this issue under appeal.

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week. (Testimony, Exhibit 6)

Regarding the second modification, ADL – Toileting, nighttime hours, the request for 5 minutes, 2 times a night, 7 days a week, rounded to 2-night hours, 7 days a week was denied. (Exhibit 6, pgs. 1-3, 89) Within CCA’s submission, it notes that nighttime hours have not been approved in the past. (Exhibit 6, pg. 1) Additionally, the Notice indicates that less costly alternatives had not been explored. (Exhibit 1) The parties discussed less costly alternatives, including disposable undergarments and the use of a commode. (Testimony) The Appellant stated that she wished for nighttime hours to be approved. No resolution was reached between the parties regarding this modification.

Regarding the third modification, IADL – Laundry, the time was decreased from the request of 75 minutes, 1 time per week to 60 minutes, 1 time per week. (Exhibit 6, pgs. 1-3, 94) Within CCA’s submission, it notes that the time requested was decreased because the Appellant resides with the PCA and that the request for time beyond one hour was excessive based upon the submitted documentation. (Exhibit 6, pgs. 1, 94) Within the submitted CCA Medical Necessity Guidelines (Exhibit 6, pgs. 44-47), the Guidelines note that if a member resides with a relative or other caregiver, the other caregiver is expected to provide assistance with most IADLs such as routine laundry, housekeeping, and shopping. Such time would not be included in the PCA hours, unless otherwise authorized with any exceptions clearly documented. Additionally, the Guidelines indicate that a PCA may not be provided to the benefit of non-disabled household members; for example, cleaning common areas or laundry for other persons living in the home. (Exhibit 6, pg. 47) At Hearing, the Appellant explained that she does not live with her PCA, she lives alone. (Testimony) The Appellant explained that she had recently been hospitalized, and due to an increase in her medications, she requires more frequent use of the bathroom. (Testimony) The Appellant explained that also caused an increase in accidents. (Testimony) Based upon the testimony of the Appellant, CCA agreed to approve 90 minutes, 1 time a week, for Laundry. This was accepted by the Appellant, resolving this issue under appeal.

Regarding the fourth modification, IADL – Housekeeping, the time was decreased from the request of 75 minutes, 1 time per week to 60 minutes, 1 time per week. (Exhibit 6, pgs. 1-3, 94) Within CCA’s submission, it notes that the time requested was decreased because the Appellant resides with the PCA and that the request for time beyond one hour was excessive based upon the submitted documentation. (Exhibit 6, pgs. 1, 94) At Hearing, the Appellant explained that she does not live with her PCA, she lives alone. Based upon the testimony of the Appellant, CCA agreed to approve 75 minutes, 1 time a week, as requested for the IADL of Housekeeping. This was accepted by the Appellant, resolving this issue under appeal.

Regarding the fifth modification, IADL – Shopping, the time was decreased from the request of 75 minutes, 1 time per week to 60 minutes, 1 time per week. (Exhibit 6, pgs. 1-3, 95) Within CCA’s submission, it notes that the time requested was decreased because the Appellant resides with the PCA and that the request for time beyond one hour was excessive

based upon the submitted documentation. (Exhibit 6, pgs. 1, 94) At Hearing, the Appellant explained that she does not live with her PCA, she lives alone. Based upon the testimony of the Appellant, CCA agreed to approve 75 minutes, 1 time a week, as requested for the IADL of Shopping. This was accepted by the Appellant, resolving this issue under appeal.

Within the Fair Hearing Request, the Appellant indicated she was seeking appeal because she had been receiving 27.5 hours of PCA services and has since been reduced to 21 hours. (Exhibit 2) The Appellant stated that she needs help going to the bathroom, and detailed accidents at night, requiring extra cleaning. (Exhibit 2). The Appellant indicated that she has been unable to shower on her own since she needs help with transfers into the tub<sup>3</sup>. (Exhibit 2) The Appellant expounded on these points through testimony, explaining why she believed she required the additional time requested. (Testimony)

## Findings of Fact

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

1. The Appellant is a MassHealth member under the age of ■ whose diagnoses include anxiety disorder, unspecified, fibromyalgia, orthostatic hypotension, and diverticulosis, among other diagnoses. (Exhibit 6, pgs. 4-5)
2. Commonwealth Care Alliance (CCA) reduced the Appellant's request 35.25 hours of Personal Care Attendant Services (PCA) to 21.25 hours of PCA services per week. (Testimony, Exhibit 6, pg.1)
3. Multiple modifications were made to the requested PCA hours, 5 modifications in total. (Testimony, Exhibit 1, Exhibit 6, pg.1)
4. Regarding the first modification, ADL – Toileting, daytime, the frequency was increased from 3 minutes, 6 times a day, 7 days a week to 3 minutes, 8 times a day, 7 days a week (Exhibit 6, pgs. 1-3, 89). The Appellant accepted this increase, resolving this issue under appeal.
5. Regarding the second modification, ADL – Toileting, nighttime hours, the request for 5 minutes, 2 times a night, 7 days a week, rounded to 2-night hours, 7 days a week was denied. Exhibit 6, pgs. 1-3, 89) No resolution between the parties regarding this modification was reached.
6. Regarding the third modification, IADL – Laundry, the time was decreased from the

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<sup>3</sup> Bathing was approved as requested at 30 minutes, 1 time a day, 7 days a week. (Exhibit 6, pg. 84) No requests for Bathing, Special Transfers were submitted by the PCM. (Exhibit 6, pg. 85)

request of 75 minutes, 1 time per week to 60 minutes, 1 time per week. (Exhibit 6, pgs. 1-3, 94) Based upon the testimony of the Appellant, CCA agreed to approve 90 minutes, 1 time a week, for the IADL of Laundry. This increase was accepted by the Appellant, resolving this issue under appeal.

7. Regarding the fourth modification, IADL – Housekeeping, the time was decreased from the request of 75 minutes, 1 time per week to 60 minutes, 1 time per week. (Exhibit 6, pgs. 1-3, 94) CCA agreed to approve 75 minutes, 1 time a week, as requested for the IADL of Housekeeping. This was accepted by the Appellant, resolving this issue under appeal.
8. Regarding the fifth modification, IADL – Shopping, the time was decreased from the request of 75 minutes, 1 time per week to 60 minutes, 1 time per week. (Exhibit 6, pgs. 1-3, 95). CCA agreed to approve 75 minutes, 1 time a week, as requested for the IADL of Shopping. This was accepted by the Appellant, resolving this issue under appeal.

## **Analysis and Conclusions of Law**

Pursuant to regulation 130 CMR 508.001, “MassHealth Member Participation in Managed Care:”

(A) Mandatory Enrollment with a MassHealth Managed Care Provider. MassHealth members who are younger than 65 years old must enroll in a MassHealth managed care provider available for their coverage type. Members described in 130 CMR 508.001(B) or who are excluded from participation in a MassHealth managed care provider pursuant to 130 CMR 508.002(A) are not required to enroll with a MassHealth managed care provider.

(B) Voluntary Enrollment in a MassHealth Managed Care Provider. The following MassHealth members who are younger than 65 years old may, but are not required to, enroll with a MassHealth managed care provider available for their coverage type: (1) MassHealth members who are receiving services from DCF or DYS; (2) MassHealth members who are enrolled in the Kaileigh Mulligan Program, described in 130 CMR 519.007(A): The Kaileigh Mulligan Program. Such members may choose to receive all services on a fee-for-service basis; (3) MassHealth members who are enrolled in a home- and community-based services waiver. Such members may choose to receive all services on a fee-for-service basis; or (4) MassHealth members who are receiving Title IV-E adoption assistance as described at 130 CMR 522.003: Adoption Assistance and Foster Care Maintenance. Such members may choose to receive all services on a fee-for-service basis.

(C) Senior Care Organizations (SCO). MassHealth members who are 65 years of age or older may enroll in a SCO pursuant to 130 CMR 508.008(A).

**(D) Integrated Care Organizations (ICO). Also referred to as "One Care plans." Members enrolled in an ICO (One Care plan) are participants in the Duals Demonstration, also known as "One Care." MassHealth members who are 21 through 64 years of age at time of enrollment may enroll in an ICO pursuant to 130 CMR 508.007(A).  
...(Emphasis added)**

Next, pursuant to MassHealth regulation 130 CMR 508.007 (C):

Obtaining Services When Enrolled in a ICO. When a member is enrolled in an ICO in accordance with the requirements under 130 CMR 508.007(A), the ICO will authorize, arrange, integrate, and coordinate the provision of all covered services for the member. Upon enrollment, the ICO is required to provide evidence of its coverage, the range of available covered services, what to do for emergency conditions and urgent care needs, and how to obtain access to specialty, behavioral health, and long-term services and supports.

MassHealth regulation 130 CMR 508.010, "Right to a Fair Hearing," states as follows:

Members are entitled to a fair hearing under 130 CMR 610.000: MassHealth: Fair Hearing Rules to appeal:

(A) the MassHealth agency's determination that the MassHealth member is required to enroll with a MassHealth managed care provider under 130 CMR 508.001;

**(B) a determination by the MassHealth behavioral health contractor, by one of the MCOs, Accountable Care Partnership Plans, or SCOs as further described in 130 CMR 610.032(B), if the member has exhausted all remedies available through the contractor's internal appeals process;**

(C) the MassHealth agency's disenrollment of a member under 130 CMR 508.003(D)(1), (D)(2)(a), or (D)(2)(b), or discharge of a member from a SCO under 130 CMR 508.008(E); or

(D) the MassHealth agency's determination that the requirements for a member transfer under 130 CMR 508.003(C)(3) have not been met. **(Emphasis added)**

The Appellant exhausted the internal appeal process offered through the ICO, and thereafter, requested a fair hearing with BOH, to which the Appellant is entitled pursuant to the above regulations.

As MassHealth's agent, CCA is required to follow MassHealth laws and regulations pertaining to a member's care. Under the regulations pertaining to MassHealth ICOs, above, CCA is empowered to authorize, arrange, integrate, and coordinate the provision of all covered services for the Appellant.

MassHealth regulations about PCA services are found at 130 CMR 422.000 et seq. Regulation 130 CMR 422.402 defines a PCA as a person who is hired by the member or surrogate to provide PCA services, which are further defined as assistance with the 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;
- (2) the member's disability is permanent or chronic in nature;
- (3) the member 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; and
- (4) MassHealth has determined that the PCA services are medically necessary and has granted a prior authorization for PCA services.

Activities of daily living are listed at 130 CMR 422.410(A) and include mobility, assistance with medications or other health-related needs, bathing/grooming, dressing, and undressing, passive range-of-motion exercises, eating, and toileting (including bowel care and bladder care). MassHealth pays for PCA time in physically assisting members to perform the aforementioned activities of daily living.

Instrumental activities of daily living are those activities described in 130 CMR 422.410(B) that are instrumental to the care of the member's health and are performed by a PCA, such as meal preparation and clean-up, housekeeping, laundry, shopping, maintenance of medical equipment, transportation to medical providers, and completion of paperwork required for the member to receive personal care services. MassHealth pays for PCA time in physically assisting members to perform the aforementioned instrumental activities of daily living.

Pursuant to 130 CMR 422.410 (C) when determining the number of hours of physical assistance that a member requires under 130 CMR 422.410 (B) for IADLS, the PCA 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.

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.

Next, pursuant to 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;
- (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; or
- (H) PCA services provided to a member without the use of EVV as requires by the MassHealth agency.

The Appellant has the burden "to demonstrate the invalidity of the administrative determination." Andrews v. Division of Medical Assistance, 68 Mass. App. Ct. 228. 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 Commn., 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). Here the Appellant has not met the burden to show the invalidity of MassHealth/CCA's determination.

Multiple modifications were made, 5 in total: 1 increase of the frequency to the daytime hours assigned for the Activity of Daily Living (ADL) of Toileting, bladder care (3 minutes, 6 times a day, 7 days a week increased to 3 minutes, 8 times a day, 7 days a week); 1 decrease of the time to the nighttime hours assigned for the ADL of Toileting (14 nighttime hours denied); and 3 decreases of the time requested for the Instrumental Activities of Daily Living (IADL) of Laundry (75 minutes decreased to 60 minutes), Housekeeping (75 minutes decreased to 60 minutes), and Shopping (75 minutes decreased to 60 minutes). The parties reached resolution on 4 of the modifications but the parties were unable to reach resolution on 1 of the modifications.

Regarding the first modification, ADL – Toileting, daytime, the frequency was increased from 3 minutes, 6 times a day, 7 days a week to 3 minutes, 8 times a day, 7 days a week (Exhibit 6, pgs. 1-3, 89). Within CCA's submission, it notes that the increase in frequency was based, in

part, on the denial of nighttime hours. (Exhibit 6, pg. 1) This increase was accepted by the Appellant and since the parties reached resolution on this appeal issue, the appeal of the modification for Toileting, daytime is hereby DISMISSED. (130 CMR 610.051(B))

Regarding the second modification, ADL – Toileting, nighttime hours, the request for 5 minutes, 2 times a night, 7 days a week, rounded to 2-night hours, 7 days a week was denied. (Exhibit 6, pgs. 1-3, 89) Within CCA's submission, it notes that nighttime hours have not been approved in the past. (Exhibit 6, pg. 1) Additionally, the Notice indicates that less costly alternatives had not been explored. (Exhibit 1, 130 CMR 450.204(A)(2)) The parties discussed less costly alternatives such as disposable undergarments and the use of a commode, however, the Appellant indicated she still wished approval for nighttime PCA hours. Here, where less costly alternatives exist, and have yet to be attempted by the Appellant, the Appellant is unable to demonstrate the medical necessity for this request. (130 CMR 450.204(A)(2)) The Appellant has not met the burden, by a preponderance of evidence, to show the invalidity of CCA's administrative determination regarding the denial of nighttime Toileting hours. Accordingly, this portion of the Appeal is DENIED.

Regarding the third modification, IADL – Laundry, the time was decreased from the request of 75 minutes, 1 time per week to 60 minutes, 1 time per week. (Exhibit 6, pgs. 1-3, 94) Within CCA's submission, it notes that the time requested was decreased because the Appellant resides with the PCA and that the request for time beyond one hour was excessive based upon the submitted documentation. (Exhibit 6, pgs. 1, 94) At Hearing, the Appellant explained that she does not live with her PCA, she lives alone. Based upon the testimony of the Appellant, CCA agreed to approve 90 minutes, 1 time a week for the IADL of Laundry. This increase of time requested was accepted by the Appellant and since the parties reached resolution on this appeal issue, the appeal of the modification for Laundry is hereby DISMISSED. (130 CMR 610.051(B))

Regarding the fourth modification, IADL – Housekeeping, the time was decreased from the request of 75 minutes, 1 time per week to 60 minutes, 1 time per week. (Exhibit 6, pgs. 1-3, 94) Within CCA's submission, it notes that the time requested was decreased because the Appellant resides with the PCA and that the request for time beyond one hour was excessive based upon the submitted documentation. (Exhibit 6, pgs. 1, 94) At Hearing, the Appellant explained that she does not live with her PCA, she lives alone. Based upon the testimony of the Appellant, CCA agreed to approve 75 minutes, 1 time a week, as requested for the IADL of Housekeeping. This was accepted by the Appellant, resolving this issue under appeal. This restoration of the time requested was accepted by the Appellant and since the parties reached resolution on this appeal issue, the appeal of the modification for Housekeeping is hereby DISMISSED. (130 CMR 610.051(B))

Regarding the fifth modification, IADL – Shopping, the time was decreased from the request of 75 minutes, 1 time per week to 60 minutes, 1 time per week. (Exhibit 6, pgs. 1-3, 95)

Within CCA's submission, it notes that the time requested was decreased because the Appellant resides with the PCA and that the request for time beyond one hour was excessive based upon the submitted documentation. (Exhibit 6, pgs. 1, 94) At Hearing, the Appellant explained that she does not live with her PCA, she lives alone. Based upon the testimony of the Appellant, CCA agreed to approve 75 minutes, 1 time a week, as requested for the IADL of Housekeeping. This restoration of the time requested was accepted by the Appellant and since the parties reached resolution on this appeal issue, the appeal of the modification for Shopping is hereby DISMISSED. (130 CMR 610.051(B))

This appeal is DISMISSED, in part, and DENIED, in part. The modification/increase related to daytime toileting is DISMISSED, as agreed at Hearing. The portion of appeal related to the denial of nighttime hours is DENIED. The portion of the appeal related to the IADL of Laundry is DISMISSED, as agreed by the parties. The portion of the appeal related to the IADL of Housekeeping is DISMISSED, as agreed by the parties. The portion of the appeal related to the IADL of Shopping is DISMISSED, as agreed by the parties.

## **Order for Respondent CCA**

Approve the following as agreed at Hearing:

- 1) ADL, Toileting, daytime, 3 minutes, 8 times a day, 7 days a week
- 2) IADL, Laundry, 90 minutes, 1 time a week
- 3) IADL Housekeeping, 75 minutes, 1 time a week
- 4) IADL Shopping, 75 minutes, 1 time a 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 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.

Patrick Grogan  
Hearing Officer  
Board of Hearings

Cc:

MassHealth Representative: ICO Commonwealth Care Alliance, Attn: Nayelis Guerrero, 30  
Winter Street, Boston, MA 02108