

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Approved in part; Denied in part; Dismissed in part	Appeal Number:	2515464
Decision Date:	01/08/2026	Hearing Date:	11/21/2025
Hearing Officer:	Alexandra Shube		

Appearance for Appellant:



Appearance for MassHealth:

Via Teams Videoconference:
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 – PCA
Decision Date:	01/08/2026	Hearing Date:	11/21/2025
MassHealth’s Rep.:	Kelly Rayen, RN	Appellant’s Rep.:	Mother
Hearing Location:	Quincy Harbor South, Remote	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 September 4, 2025, MassHealth modified the appellant’s prior authorization request for personal care attendant (PCA) services (Exhibit 1). The appellant filed this appeal in a timely manner on October 22, 2025 (see 130 CMR 610.015(B) and Exhibit 2). Modification and/or denial of PCA hours is valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

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

Issue

The appeal issue is whether MassHealth was correct in modifying the appellant’s prior authorization request for PCA services.

Summary of Evidence

The MassHealth representative appeared via Teams videoconference and identified herself as a registered occupational therapist and clinical appeals reviewer. The appellant, a minor, was represented at hearing via Teams videoconference by his mother.

MassHealth provided the following through testimony and documentary evidence: the appellant is [REDACTED] with a primary diagnosis of muscular dystrophy. He lives at home with his mother, father, minor sister, and grandmother, who is his PCA. His parents both work full time. Relevant medical history shows he also has asthma, sleep apnea, and muscle weakness and limited use of his arms and legs due to muscular dystrophy. He has a power wheelchair, manual wheelchair, stander, stair lift, bedside commode, and a shower chair. He had [REDACTED] surgery for [REDACTED]. His mother reports an increased difficulty with activities of daily living (ADLs) since his surgery. He has chronic pain in his hips and feet. He goes to physical therapy and occupational therapy three times per week for aquatherapy and regular therapy.

On September 4, 2025, the appellant's personal care management (PCM) agency, [REDACTED] submitted a prior authorization request for PCA services (re-evaluation) requesting 36 hours and 15 minutes per week for 40 school weeks and 40 hours per week for 12.14 vacation weeks for dates of service of October 24, 2025 through October 23, 2026. On September 4, 2025, MassHealth modified the request to 27 hours per week for 40.14 school weeks and 32 hours and 45 minutes per week for 12 vacation weeks. MassHealth made modifications to the following ADLs: passive range of motion, bathing, bathing transfers, bladder care, bowel care, and toileting transfers.

Based on testimony at hearing, MassHealth and the appellant agreed to the modification for bladder care (7 minutes, 4 times per day, 5 days per week and 7 minutes, 6 times per day, 2 days per week during school weeks and 7 minutes, 6 times per day, 7 days per week during vacation weeks). Since parties resolved the dispute as to this ADL, the appeal is dismissed as to bladder care.

The appellant is currently receiving 29.5 hours during school weeks and 32 hours during vacation weeks through aid pending, as of October 24, 2025.

Passive Range of Motion

The appellant requested 10 minutes, 2 times per day, 7 days per week for PCA assistance with passive range of motion (PROM) for each extremity. MassHealth modified it to 8 minutes, 2 times per day, 2 days per week and 8 minutes, 1 time per day, 5 days per week during school weeks and 8 minutes, 2 times per day, 7 days per week during vacation weeks.

The MassHealth representative testified that the time requested is longer than ordinarily required for someone with the appellant's documented needs. She explained that PROM exercises are for someone who is unable to move their body on their own. They are specific exercises, typically done in a lying down position. They are intended to prevent contractures, not to improve strength. The appellant goes to occupational and physical therapy for that. Last year, the appellant received 5 minutes, 1 time per day, 7 days per week for each extremity.

The appellant's mother testified that the appellant requires movement of his legs and he doesn't have the strength to lift his arms. Someone needs to lift his elbow to reach his face and scratch an itch. He will ask for his legs to be straightened out throughout the day and night. In December 2024, he had surgery on his hips to release the tendons and they were instructed to do these exercises to prevent tightening and contracture. She hasn't timed how long it takes, but estimated that it is typically 2-3 minutes per elbow depending on what he can tolerate and around 7 minutes per hip and around the same amount of time for each ankle.

Bathing

The appellant requested 30 minutes, 1 time per day, 7 days per week for PCA assistance with bathing. MassHealth modified the request to 20 minutes, 1 time per day, 7 days per week because the time requested is longer than ordinarily required for someone with the appellant's physical needs. The comments state the following:

Consumer requires 2 person assist with transfers in/out of the shower, on/off the shower chair with back support, washes his hair and upper/lower body due to poor balance, impaired mobility, poor muscle tone and muscle weakness in his arms and legs related to muscular dystrophy and pain in his hips related to scoliosis, lumbar surgery for scoliosis in December 2024.

The MassHealth representative explained that time for transfers was requested separately, so this time is solely for bathing tasks. Last year, the appellant was approved for 20 minutes for bathing and did not have extra time for transfers, so this was a significant increase.

The appellant's mother explained that he uses a bath chair and cannot hold up his legs. If she is washing one part of him, someone else needs to hold him or lift his limbs for her to wash. To wash his back, she needs someone to sit him up because he cannot sit up on his own. It takes 20 to 30 minutes depending on the day, but if the PCA is doing it on her own (which she does 3 to 4 times per week), it takes longer. On average, it takes about 25 minutes, not including the transfers.

Bathing Transfers

The appellant requested 5 minutes, 1 time per day, 7 days per week for bathing transfers. MassHealth approved 3 minutes, 1 time per day, 7 days per week because the time requested is

longer than ordinarily required for someone with the appellant's physical needs.

The appellant's mother testified that the PCA needs to set everything up and clear a pathway before bringing the appellant into the bathroom. They are physically carrying him to and from the bathroom. He does not have his power wheelchair upstairs where the shower is. It is the same transfer process as last year, but he is heavier, so it takes longer.

MassHealth explained that bathing transfer is the time to get the appellant from his wheelchair to the shower, including standing or pivoting, and back into his wheelchair from the shower. It does not include setting up or clearing pathways. She testified that holding someone who is [REDACTED] for 5 minutes is a long time.

Bowel Care

The appellant requested 15 minutes, 1 time per day, 7 days per week for bowel care. MassHealth modified the time to 10 minutes, 1 time per day, 7 days per week because the time requested is longer than ordinarily required for someone with the appellant's physical needs.

The appellant's mother testified that he needs to take laxatives and he has bowel movements 2 times per day. Clothing management takes 3 to 4 minutes and then he is sitting for 5-7 minutes, but someone has his hands on him, holding him up during that time. Then there is time for hygiene.

The MassHealth representative testified that it is time for hygiene and clothing management, not waiting time. This was more time than was approved per episode last year. Time was only requested once per day, but if he needs it more times per day, they can request an adjustment through his PCM agency.

Toileting Transfers

The appellant requested 5 minutes, 4 times per day, 5 days per week and 5 minutes, 6 times per day, 2 days per week during school weeks and 5 minutes, 6 times per day, 7 days per week during vacation weeks for PCA assistance with toileting transfers. MassHealth modified the time to 3 minutes per an episode at the frequency requested.

The appellant's mother testified that the transferring process is similar to bathing. The toilet needs to be set up and they need to make sure the area is clear so they can easily bring him in.

The appellant's mother also noted that they need nighttime hours. The MassHealth representative explained that no time was requested for nighttime hours and they did not have nighttime hours in the past. They would need to request an adjustment through their PCM agency and include supporting documentation.

Findings of Fact

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

1. The appellant is a minor MassHealth member with a primary diagnosis of muscular dystrophy. He lives at home with his mother, father, minor sister, and grandmother, who is his PCA. (Testimony and Exhibit 5).
2. Relevant medical history shows he has asthma, sleep apnea, and muscle weakness and limited use of his arms and legs due to muscular dystrophy. He has a power wheelchair, manual wheelchair, stander, stair lift, bedside commode, and a shower chair. He had [REDACTED] surgery for [REDACTED] (Testimony and Exhibit 5).
3. On September 4, 2025, the appellant's PCM agency submitted a prior authorization request for PCA services (re-evaluation) requesting 36 hours and 15 minutes per week for 40 school weeks and 40 hours per week for 12.14 vacation weeks for dates of service of October 24, 2025 through October 23, 2026 (Testimony and Exhibit 5).
4. On September 4, 2025, MassHealth modified the request to 27 hours per week for 40.14 school weeks and 32 hours and 45 minutes per week for 12 vacation weeks (Testimony and Exhibits 1 and 5).
5. On October 22, 2025, the appellant timely appealed the September 4, 2025 notice (Exhibit 2).
6. MassHealth modified the following ADLs: PROM, bathing, bathing transfers, bladder care, bowel care, and toileting transfers (Testimony and Exhibits 1 and 5).
7. At hearing, MassHealth and the appellant agreed to the modification for bladder care (7 minutes, 4 times per day, 5 days per week and 7 minutes, 6 times per day, 2 days per week during school weeks and 7 minutes, 6 times per day, 7 days per week during vacation weeks); however, the other modifications remained at issue (Testimony).
8. There was no time requested for nighttime hours (Testimony and Exhibit 5).
9. The appellant is currently receiving 29.5 hours during school weeks and 32 hours during vacation weeks through aid pending, as of October 24, 2025 (Testimony).

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 of 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.

See 130 CMR 422.403(C).

The requested services must also be medically necessary for the prior authorization to be approved. 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 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 Division. Services that are less

costly to the Division include, but are not limited to, health care reasonably known by the provider or identified by the Division 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 Division upon request. (See 42 U.S.C. 1396a(a)(30) and 42 CFR 440.230 and 440.260.)

(C) A provider's opinion or clinical determination that a service is not medically necessary does not constitute an action by the MassHealth agency.

See 130 CMR 450.204

Pursuant to 130 CMR 422.410(A), 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.

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.

See 130 CMR 422.412 (emphasis added).

The appeal is dismissed as to bladder care because at hearing parties were able to resolve the dispute. MassHealth and the appellant agreed to 7 minutes, 4 times per day, 5 days per week and 7 minutes, 6 times per day, 2 days per week during school weeks and 7 minutes, 6 times per day, 7 days per week during vacation weeks for bladder care.

As to the appellant's request for PCA assistance with PROM, the appeal is denied. The appellant has not demonstrated that PCA assistance with PROM takes longer than the time approved. Some of what the appellant's mother described in her testimony (lifting his arms to allow him to reach an itch or adjusting/straightening out his legs throughout the day) do not fall under PROM and are more likely considered repositioning. Last year, the appellant only received 5 minutes, 1 time per day, 7 days per week for each extremity. With his hip surgery, the appellant's PROM needs increased and, accordingly, MassHealth approved 8 minutes, 2 times per day, 2 days per week and 8 minutes, 1 time per day, 5 days per week during school weeks and 8 minutes, 2 times per day, 7 days per week during vacation weeks. The appellant has not shown that additional time beyond what was approved is medically necessary for PROM.

As to the appellant's request for PCA assistance with bathing, the appeal is approved in part. The appellant requested 30 minutes, 1 time per day, 7 days per week for PCA assistance with bathing. MassHealth modified the request to 20 minutes, 1 time per day, 7 days per week. The appellant's testimony demonstrated that she needs more than the time approved; however, she did not establish that the PCA's hands-on assistance took the full 30 minutes requested. For these reasons, the appellant is approved for 25 minutes, 1 time per day, 7 days per week for bathing.

As to the appellant's request for PCA assistance with bathing transfers, the appeal is approved as requested (5 minutes, 1 time per day, 7 days per week). The appellant's testimony was credible and established that the time requested is medically necessary for bathing transfers.

As to the appellant's request for PCA assistance with bowel care, the appeal is approved in part. The appellant requested 15 minutes, 1 time per day, 7 days per week for bowel care. MassHealth

modified the time to 10 minutes, 1 time per day, 7 days per week. MassHealth explained that the time is only for hygiene and clothing management, not waiting time while he is going to the bathroom; however, when the appellant is sitting on the toilet, the PCA is hands-on, holding him up. For this reason, it is not waiting time, but hands-on PCA assistance and the appellant is approved 12 minutes, 1 time per day, 7 days per week for bowel care.¹

As to the appellant's request for PCA assistance with toileting transfers, the appeal is approved as requested (5 minutes, 4 times per day, 5 days per week and 5 minutes, 6 times per day, 2 days per week during school weeks and 5 minutes, 6 times per day, 7 days per week during vacation weeks). The appellant's testimony was credible and established that the time requested is medically necessary for toileting transfers.

For these reasons, the appeal is approved in part, denied in part, and dismissed in part.

Order for MassHealth

Approve the appellant for 25 minutes, 1 time per day, 7 days per week for bathing; 5 minutes, 1 time per day, 7 days per week for bathing transfers; 12 minutes, 1 time per day, 7 days per week for bowel care; and 5 minutes, 4 times per day, 5 days per week and 5 minutes, 6 times per day, 2 days per week during school weeks and 5 minutes, 6 times per day, 7 days per week during vacation weeks for toileting transfers. Implement agreement made at hearing for bladder care (7 minutes, 4 times per day, 5 days per week and 7 minutes, 6 times per day, 2 days per week during school weeks and 7 minutes, 6 times per day, 7 days per week during vacation weeks).

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.

¹ The appellant's mother testified that the appellant has two bowel movements per day; however, bowel care was only requested at a frequency of once per day and I cannot approve more time than what was requested. If he needs additional episodes per day, they should request an adjustment from his PCM agency. The same goes for nighttime hours, which were not requested in the prior authorization.

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.

Alexandra Shube
Hearing Officer
Board of Hearings

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