

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Dismissed in part; Denied in part	Appeal Number:	2515519
Decision Date:	01/13/2026	Hearing Date:	11/17/2025
Hearing Officer:	Thomas Doyle	Record Open to:	N/A

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Kelly Rayen, RN, BSN, Optum Reviewer



*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 – PCA Services
Decision Date:	01/13/2026	Hearing Date:	11/17/2025
MassHealth's Rep.:	Kelly Rayen, RN, BSN	Appellant's Rep.:	Pro se
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 September 3, 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 October 23, 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 the appellant's request for PCA services.

Issue

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

Summary of Evidence

Appellant and the MassHealth representative appeared at hearing by telephone. The hearing began, both wore sworn and documents were marked as evidence. The evidence shows the following: Appellant is a female in her [REDACTED] with a primary diagnosis of acute embolism and thrombosis of other specified veins. (Testimony; Ex. 4, p. 14). The MassHealth representative stated on August 29, 2025, appellant's provider, [REDACTED] submitted a prior authorization (PA) request for PCA services. The provider requested PCA services in the amount of 28 hours and 45 minutes per week for the prior authorization period of September 26, 2025, to September 25, 2026. On September 3, 2025, MassHealth modified the request in several respects and approved 25 hours and 30 minutes per week. (Testimony). The appellant filed a timely appeal on October 23, 2025. (Ex. 2).

The MassHealth representative testified that there were 6 areas of modification to the PA request. At hearing, 4 of these modifications were resolved as follows:

Mobility: Appellant requested PCA assistance with Mobility in the amount of 3 minutes an episode, 6 episodes a day, 7 days a week. (Ex. 4, p. 18). MassHealth modified the request to 1 minute an episode, 6 episodes a day, 7 days a week. (Testimony). Ater discussion between the parties, appellant agreed with MassHealth's modification. (Testimony).

Bathing: Appellant requested PCA assistance with Bathing, Washing Hair, in the amount of 5 minutes an episode, 1 episode a day, 7 days a week. (Ex. 4, p. 21). MassHealth modified the requested time to 0. (Testimony). Ater discussion between the parties, appellant agreed to the modification by MassHealth of 0 time for this task. (Testimony).

Undressing: Appellant requested PCA assistance with Undressing in the amount of 10 minutes an episode, 1 episode a day, 7 days a week. (Ex. 4, p. 25). MassHealth modified the request to 8 minutes an episode, 1 episode a day, 7 days a week. (Testimony). Ater discussion between the parties, MassHealth reinstated the time appellant requested for this task. (Testimony).

Special Needs (Assistance with required paperwork for PCA Program): Appellant requested 10 minutes a week for this task. (Ex. 4, p. 39). MassHealth modified the request to 0 time. (Testimony). Ater discussion between the parties, appellant agreed to the modification of 0 time for this task. (Testimony).

The 2 areas of modification that remain in dispute are Dressing and Laundry. For these areas, the MassHealth representative testified to the basis for MassHealth's modification, and the appellant responded in turn.

Dressing: Appellant requested 15 minutes an episode, 1 episode a day, 7 days a week for this task. (Ex. 4, p. 25). MassHealth modified this task to 12 minutes an episode, 1 episode a day, 7 days a week. (Testimony). The MassHealth representative stated the time for this task was modified because the time requested was longer than ordinarily required. She stated this time is for the PCA to get appellant's clothes, thread the clothes onto appellant's lower extremities and help with the clothes for the upper extremities. The MassHealth representative stated there was no evidence to suggest it would take 15 minutes to dress as opposed 12 minutes as modified by MassHealth. (Testimony).

Appellant stated sometimes it takes longer for her to get dressed and cited as an example winter weather and the clothes that are appropriate for that time of year. The MassHealth representative stated MassHealth considers an average of time for dressing and does take into consideration the different seasons of the year. She reminded appellant the time is for physical assistance to be provided by the PCA and not how much time for appellant to dress herself. She reiterated there was no evidence offered by appellant that there was anything special about the act of dressing or any particular clothes that warranted more than 12 minutes for assistance for dressing.

Laundry: Appellant requested 90 minutes a week to do laundry. (Ex. 4, p. 37). MassHealth modified this task to 60 minutes a week. (Testimony). The MassHealth representative stated the time requested is longer than ordinarily required for someone with the appellant's physical needs and documentation states the washer and dryer are residential. (Ex. 4, p. 37). The MassHealth representative stated there was no documentation submitted to indicate appellant cannot sit, sort and fold small items of clothing. The MassHealth representative explained that the time authorized for the PCA is for the PCA to put clothes into the washer, transfer to the dryer and push buttons. She stated there is no time authorized for the time the washer and dryer are running. (Testimony). The MassHealth representative stated this breaks down to about 10 to 15 minutes per load of laundry, giving the consumer about 4 to 5 loads of laundry per week. (Testimony).

Appellant stated she cannot put the clothes away. The MassHealth representative reiterated that MassHealth believes appellant can sit down, sort and fold small items of clothing and the PCA can put the clothes away. The MassHealth representative asked appellant how many loads of laundry are done each day. Appellant stated the PCA does a load a day and washes the sheets twice a week. The MassHealth representative asked appellant if she is able to fold smaller things like socks or underwear or shirts or bras or face cloths or towels? Appellant stated yes, she could but she could not put those items away and she was concerned if the clothes sit until the next day when the PCA returns. The MassHealth representative stated there is no timeframe for when the PCA must put the clothes away after drying. I asked appellant if she suffered from incontinence and she stated no. (Testimony).

Findings of Fact

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

1. Appellant is a female in her [REDACTED] with a primary diagnosis of acute embolism and thrombosis of other specified veins. (Testimony; Ex. 4, p. 14).
2. On August 29, 2025, appellant's provider, [REDACTED] submitted PA request for PCA services. The provider requested PCA services in the amount of 28 hours and 45 minutes per week for the prior authorization period of September 26, 2025, to September 25, 2026.
3. On September 3, 2025, MassHealth modified the request in several respects and approved 25 hours and 30 minutes per week. (Testimony).
4. Appellant filed a timely appeal on October 23, 2025. (Ex. 2).
5. At hearing, the parties resolved 4 of the modifications (related to Mobility, Bathing, Undressing and Special Needs). (Testimony). The modifications for Dressing and Laundry remained in dispute. (Testimony).
6. For Dressing, appellant requested 15 minutes an episode, 1 episode a day, 7 days a week for this task. (Ex. 4, p. 25). MassHealth modified this task to 12 minutes an episode, 1 episode a day, 7 days a week. (Testimony).
7. Appellant requested 90 minutes a week to do laundry. (Ex. 4, p. 37). MassHealth modified this task to 60 minutes a week. (Testimony).
8. Appellant does not suffer from incontinence. (Testimony).

Analysis and Conclusions of Law

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.

(C) In determining the number of hours of physical assistance that a member requires under 130 CMR 422.410(B) for IADLs, the personal care 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 personal care 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) MassHealth will consider individual circumstances when determining the number of hours of physical assistance that a member requires for IADLs.

In this case, MassHealth modified appellant's PA request for PCA services by reducing the time requested for several activities. After resolution of some of these modifications at hearing, the areas of Dressing and Laundry remain in dispute.

Appellant disagreed with the medical necessity decision of MassHealth in modifying her hours for PCA services. 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).

Dressing: Appellant requested 15 minutes an episode, 1 episode a day, 7 days a week for this task. MassHealth modified this task to 12 minutes an episode, 1 episode a day, 7 days a week. The MassHealth representative stated the time for this task was modified because the time requested was longer than ordinarily required. She stated this time is for the PCA to get appellant's clothes, thread the clothes onto appellant's lower extremities and help with the clothes for the upper extremities. The MassHealth representative stated there was no evidence to suggest it would take 15 minutes to dress as opposed to 12 minutes as modified by MassHealth. Appellant stated sometimes it takes longer for her to get dressed and cited as an example winter weather and the clothes that are appropriate for that time of year. The MassHealth representative stated MassHealth considers an average of time for dressing and does take into consideration the different seasons of the year. She reminded appellant the time is for physical assistance to be provided by the PCA and not how much time for appellant to dress herself. She reiterated there

was no evidence offered by appellant that there was anything special about the act of dressing or any particular clothes that warranted more than 12 minutes for physical assistance with dressing. I credit the testimony of the MassHealth representative and find it reasonable. Appellant did not meet her burden to show that her 15 minute request for assistance with dressing is warranted other than to state the time changes from season to season, which MassHealth considers in its calculation of time for dressing. Because appellant has not met her burden with this ADL, this part of the appeal is denied.

Laundry: Appellant requested 90 minutes a week to do laundry. MassHealth modified this task to 60 minutes a week. (Testimony). The MassHealth representative stated the time requested is longer than ordinarily required for someone with the appellant's physical needs and documentation states the washer and dryer are residential. The MassHealth representative stated there was no documentation submitted to indicate appellant cannot sit, sort and fold small items of clothing. The MassHealth representative explained that the time authorized for the PCA is for the PCA to put clothes into the washer, transfer to the dryer and push buttons. She stated there is no time authorized for the time the washer and dryer are running. When asked by the MassHealth representative if she is able to fold smaller things like socks or underwear or shirts or bras or face cloths or towels, appellant stated yes, she could fold those items. Appellant acknowledged she can participate in folding small items. This admission by appellant reduces the time needed for PCA physical assistance with Laundry. I find appellant has not met her burden for the requested time sought by her PCM agency for Laundry and the modification by MassHealth is reasonable. This part of the appeal is denied.

For the reasons set forth above, I find appellant has not demonstrated the medical necessity of the full PCA time requested for Dressing and Laundry and therefore has not met her burden by preponderance of the evidence. This appeal is denied in part (as to the Dressing and Laundry issues) and dismissed in part (as to the issues resolved at hearing, Mobility, Bathing, Undressing and Special Needs).

Order for MassHealth

Implement the agreed change made 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.

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.

Thomas Doyle
Hearing Officer
Board of Hearings

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