

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	DENIED	Appeal Number:	2515853
Decision Date:	1/23/2026	Hearing Date:	12/03/2025
Hearing Officer:	Kenneth Brodzinski		

Appearance for Appellant:

Pro se

Appearance for MassHealth:

Kelly Rayen, RN with Candice Smallwood
OLTSS



*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	Issue:	PCA Termination
Decision Date:	1/23/2026	Hearing Date:	12/03/2025
MassHealth's Rep.:	Kelly Rayen, RN	Appellant's Rep.:	Pro se
Hearing Location:	Quincy		

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 October 15, 2025, MassHealth informed Appellant that her Personal Care Attendant (PCA) services would be terminating as of October 29, 2025 due to Appellant's failure to comply with PCA Program requirements (Exhibit A). Appellant filed for this appeal in a timely manner on October 29, 2025 (see 130 CMR 610.015(B) and Exhibit A). Termination of assistance constitutes valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth informed Appellant that her PCA services would be terminating as of October 29, 2025 due to Appellant's failure to comply with PCA Program requirements

Issue

The appeal issue is whether MassHealth properly applied the controlling regulation(s) to accurate facts when it decided to terminate Appellant's PCA benefits as of as of October 29, 2025 due to Appellant's failure to comply with PCA Program requirements.

Summary of Evidence

Both parties appeared by telephone.

MassHealth was represented by a clinical nurse reviewer and a representative from the Office of Long Term Care and Support Services (OLTSS). The MassHealth representatives testified that Appellant has repeatedly failed to cooperate with MassHealth with efforts to schedule and conduct her required annual PCA review and nursing assessment. The MassHealth representatives testified that over the course of six months, Appellant has been granted 5 extensions and reschedules relative to performing the annual review and nursing assessment that is necessary to establish Appellant's ongoing PCA eligibility and needs. As of the date of hearing, Appellant had still not scheduled and completed the annual review and nursing assessment.

Additionally, Appellant failed to notify MassHealth and her PCA fiscal intermediary of a change in address and telephone number which led to one of the five instances of delay and failure to comply.

Appellant appeared on her own behalf and testified that her daughter helps her and she has been busy. Appellant stated that she would cooperate and get the review and assessments done. Appellant did not dispute the number of delays and reschedules and offered no specific reason or explanations for them. Appellant stated she has been going through "hard times" and noted that her nephew had recently died.

Findings of Fact

By a preponderance of the evidence, this record supports the following findings:

1. Appellant had been receiving PCA services under the MassHealth PCA program.
2. Appellant has repeatedly failed to cooperate with MassHealth with efforts to schedule and conduct her required annual PCA review and nursing assessment.
3. Over the course of six months, Appellant has been granted 5 extensions and reschedules relative to performing the annual review and nursing assessment that is necessary to establish Appellant's ongoing PCA eligibility and needs.
4. As of the date of hearing, Appellant had still not scheduled and completed the annual review and nursing assessment.

5. Appellant also failed to notify MassHealth and her PCA fiscal intermediary of a change in address and telephone number which led to one of the five instances of delay and failure to comply.

Analysis and Conclusions of Law

The party appealing an administrative decision bears the burden of demonstrating the decision's invalidity (*Merisme v. Board of Appeals of Motor Vehicle Liability Policies and Bonds*, 27 Mass. App. Ct. 470, 474 (1989)). On this record, Appellant has failed to meet her burden.

As a condition of receiving MassHealth PCA benefits, a member must cooperate with the MassHealth agency and the PCM agency in the scheduling of and participation in assessments, evaluations, and reevaluations (130 CMR 422.420(A)(9)). A member is also required to notify the MassHealth agency, PCM agency, and the fiscal intermediary of the member's change of address and contact information, including telephone number and email, if any (130 CMR 422.420(A)(11)). Pursuant to regulation 130 CMR 422.420(B)(1) MassHealth has the right to terminate PCA services if a member fails to comply with any of the requirements listed in 130 CMR 422.420(A).

Over the course of 6 months, Appellant has failed to cooperate with MassHealth and the PCM agency with scheduling and attending the annual PCA review and nurse's evaluation. At hearing, Appellant offered no appropriate justification for the repeated and going delay, lack of cooperation and failure to notify the agencies of her change in address and contact information.

On this record, there is no basis in fact or law to disturb MassHealth's action. The appeal is DENIED

Order for MassHealth

None.

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.

Kenneth Brodzinski
Hearing Officer
Board of Hearings

cc:

Respondent Representative: Carlos Mendez-Saravia, MassHealth - OLTSS, One Ashburton Place, 10th Floor, Boston, MA 02108, 999-999-9999

Respondent Representative: Sherri Hannigan, MassHealth - OLTSS, One Ashburton Place, 10th Floor, Boston, MA 02108, 999-999-9999

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