

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	DENIED	Appeal Number:	2515874
Decision Date:	01/27/2026	Hearing Date:	12/03/2025
Hearing Officer:	Kenneth Brodzinski		

Appearance for Appellant:

Pro se

Appearance for MassHealth:

Kelly Rayen, RN with Carlos Mendez-Saravia
(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:	01/27/2026	Hearing Date:	12/03/2025
MassHealth's Rep.:	Kelly Rayen, RN	Appellant's Rep.:	Pro se
Hearing Location:	Quincy	Aid Pending:	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 October 1, 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 31, 2025 and was granted AID PENDING status forestalling the scheduled termination pending the outcome of this appeal (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 31, 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 31, 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 scheduled her PCAs to provide and bill for services during times when Appellant has been admitted to an acute hospital. The Masshealth representatives provided documentation of repeated warnings and educational letters sent to Appellant about this matter. These include:

Education letter informing Appellant that records show the PCA was scheduled and submitting billing while Appellant was admitted to an acute hospital, nursing facility, or other inpatient facility (Exhibit B, page 6).

Warning Notice issued on 4/1/2025 documenting Date(s) when Appellant scheduled her PCA to provide PCA services while Appellant was admitted to an acute hospital, nursing facility, or other inpatient facility: [REDACTED] (Exhibit B, page 8).

Notice of Sanction and Termination issued on 10/1/2025 (Exhibit B, page 11).

Warning Notice issued on 10/1/2025 to PCA IS¹ documenting date(s) when he provided PCA services while Appellant was admitted to an acute hospital, nursing facility, or other inpatient facility: [REDACTED] (Exhibit B, page 16).

Warning Notice issued on 4/1/2025 to PCA OL documenting date(s) when she provided PCA services while Appellant was admitted to an acute hospital, nursing facility, or other inpatient facility: [REDACTED] (Exhibit B, page 18)

Education Letter issued to PCA JL documenting date(s) when she provided PCA services while Appellant while admitted to an acute hospital, nursing facility, or other inpatient facility: [REDACTED] (Exhibit B, page 20).

The MassHealth representatives testified that billing for PCA services while Appellant was admitted to an acute hospital violates Masshealth regulations and constitutes grounds for terminating Appellant from the PCA program as noticed (Exhibit A). They also explained that if the PCAs were rendering service to Appellant in the acute Hospital, that is also not allowed as it would constitute an impermissible duplication of services.

Appellant appeared on her own behalf and testified that she has been attempting to get a skills

¹ PCA's initials

trainer for months without any success. She did not dispute the overages identified by MassHealth, but she stated that she only knew about the claims submitted by PCA IS, but not the other two PCAs. Appellant testified that PCA IS billed without her knowledge as she was in the hospital when it happened and IS had access to her home computer. Appellant testified that the PCAs help her do the billing and believes they must have gotten the overages past her without her being aware. Appellant opined that she could get a surrogate to help her with the billing.

In response, the Masshealth representative noted that this improper billing has happened on three separate occasions in 2022, 2023 and 2024. Each time, MassHealth sent her a letter, so Appellant knew this was an ongoing problem and she could have obtained a surrogate years ago. MassHealth opined that Appellant is not capable of participating in a self-directed program such as the PCA program and would be better served with a non-self-directed program such as the Home Health Aid or Adult Foster Care programs.

Appellant testified that she was not aware of all the incidents and claimed she only received one letter from MassHealth about the issue. She also stated that she does not like working with agencies because they come into her home and rob her.

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 allowed the scheduling and billing of her PCAs for services during times when Appellant has been admitted to an acute hospital.
3. Masshealth has repeatedly sent warnings and education letters to Appellant concerning her improper billing practices.
4. Education letter sent informing Appellant that records show the PCA was scheduled and submitting billing while Appellant was admitted to an acute hospital, nursing facility, or other inpatient facility (Exhibit B, page 6).
5. Warning Notice issued on 4/1/2025 documenting Date(s) when Appellant scheduled her PCA to provide PCA services while Appellant was admitted to an acute hospital, nursing facility, or other inpatient facility: [REDACTED] (Exhibit B, page 8).
6. Notice of Sanction and Termination issued on 10/1/2025 (Exhibit B, page 11).

7. Warning Notice issued on 10/1/2025 to PCA IS documenting date(s) when he provided PCA services while Appellant was admitted to an acute hospital, nursing facility, or other inpatient facility: [REDACTED] (Exhibit B, page 16).
8. Warning Notice issued on 4/1/2025 to PCA OL documenting date(s) when she provided PCA services while Appellant was admitted to an acute hospital, nursing facility, or other inpatient facility: [REDACTED] (Exhibit B, page 18)
9. Education Letter issued to PCA JL documenting date(s) when she provided PCA services while Appellant while admitted to an acute hospital, nursing facility, or other inpatient facility: [REDACTED] (Exhibit B, page 20).
10. Appellant's improper billing has happened on three separate occasions in 2022, 2023 and 2024. Each time, MassHealth sent her a letter, so Appellant knew this was an ongoing problem yet she failed obtained a surrogate.

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.

A member cannot bill for PCA time when a PCA is not actually providing assistance with ADLs or IADLs as such time is a non-covered service (130 CMR 422.412(D)).

Pursuant to regulation 130 CMR 450.261, all MassHealth members must comply with federal and state laws and regulations prohibiting fraudulent and false reporting. Also, as a specific condition of receiving PCA services, all members must comply with all regulations including the prohibition against false claims and false reporting (130 CMR 422.422(A)(19)(20)). MassHealth reserves the right to terminate any members from the PCA program for failure to comply with applicable regulations 130 CMR 422 420(B)(I).

This record shows that Appellant and her PCAs were repeatedly warned in writing about the prohibition of billing for PCA services while Appellant was admitted to an acute hospital; nevertheless, this practice continued over the course of three years. MassHealth has properly applied the controlling regulations cited above in scheduling the termination of Appellant from the PCA program.

There is no basis in fact or law to disturb MassHealth's action. The appeal is DENIED

Order for MassHealth

Remove AID PENDING and proceed with termination.

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:

[REDACTED]

[REDACTED]

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