

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2516004
<b>Decision Date:</b>	2/25/2026	<b>Hearing Date:</b>	12/02/2025
<b>Hearing Officer:</b>	Radha Tilva	<b>Record Open to:</b>	02/09/2026

**Appearance for Appellant:**

 Pro se  
PCA

**Appearance for MassHealth:**

Kelly Rayen, R.N., Optum Rep.  
Carlos Mendez-Soravia, Assistant Manager for  
Program Integrity



*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>	Denied	<b>Issue:</b>	PA – PCA Services - Termination
<b>Decision Date:</b>	2/25/2026	<b>Hearing Date:</b>	12/02/2025
<b>MassHealth's Rep.:</b>	Kelly Rayen, Carlos Mendez-Soravia	<b>Appellant's Rep.:</b>	Pro se and [REDACTED]
<b>Hearing Location:</b>	telephonic	<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 October 17, 2025, MassHealth modified appellant's prior authorization request for personal care attendant (PCA) services from the requested 45 hours per week to 44 hours and 30 minutes (Exhibit 1). Prior to that modification notice, by notice dated October 1, 2025, MassHealth issued a Notice of Sanction and Termination ending appellant's participation in the PCA program pursuant to 130 CMR 422.420(B)(1) (Exhibit 1). The appellant filed this appeal in a timely manner on October 30, 2025 challenging the termination notice dated October 1, 2025. (see 130 CMR 610.015(B) and Exhibit 2). Termination of assistance is valid grounds for appeal (see 130 CMR 610.032).

The record was held open until February 9, 2026 for appellant to work with MassHealth to transition to another program that could assist appellant with home health care.

## Action Taken by MassHealth

MassHealth issued a Notice of Sanction and Termination ending appellant's participation in the PCA program effective 30 days from the date of the notice.

## Issue

The appeal issue is whether MassHealth was correct in terminating appellant's participation in the PCA program.

## Summary of Evidence

The appellant and his personal care attendant (PCA) appeared by telephone. MassHealth was represented by an R.N. from Optum and the Assistant Manager for Program Integrity. MassHealth testified that appellant has a history of COPD, asthma, diabetes and sciatica. On October 1, 2025 MassHealth issued a notice terminating appellant's PCA services, pursuant to 130 CMR 422.412(D), because the appellant billed for PCA services while hospitalized or in another inpatient facility, which is prohibited under the regulations. PCA services remain in aid pending.

The MassHealth representative testified that a warning was issued on April 1, 2025 which stated that appellant failed to comply with the MassHealth PCA Program rules by continuing to schedule and submit timesheets for PCA services while admitted to an acute hospital, nursing facility, or other in-patient facility which is in violation of 130 CMR 422.412(D) (Exhibit 6, p. 7). The PCA billed on December [REDACTED] 2024 according to the warning letter (*Id.*). The letter further warned that if he continued to schedule PCAs work while admitted to a hospital, he may be required to use a surrogate to schedule his PCA services or find a new one if he already has one (*Id.*). The MassHealth representative pointed to a progress note, dated January [REDACTED] 2025, which stated that appellant was admitted to the hospital on [REDACTED] 2024 through [REDACTED] 2024 (Exhibit 6, p. 75).

MassHealth issued the notice under appeal on October 1, 2025 terminating appellant's participation in the MassHealth PCA program pursuant to 130 CMR 422.420(B)(1). The notice specified that appellant billed for PCA services while in a hospital/inpatient facility from [REDACTED] 2025 through [REDACTED] 2025. The MassHealth representative explained that MassHealth has a strict policy of no billing for PCA services while in a hospital and testified that the policy is explained every year. The MassHealth representative further testified that hospitals cannot accept services from a PCA while in a hospital. The representative testified that MassHealth was not immediately terminating any benefits as the member cannot manage the program by himself. MassHealth suggested that appellant transition to a home health care agency as he has tried two different surrogates who have both violated the rules under the PCA program.

The appellant appeared along with his PCA who testified that they never got any of the notices as they had a mail problem. They further testified that they got the October notice 3.5 weeks late. The appellant's son is presently his surrogate, but does not live with his father. He has quarterly meetings with the PCA (appellant testimony). The PCA testified that when the appellant was in

the hospital they did not know they could not help. The PCA stated that she was doing errands multiple times a day by getting him things in the hospital. She further testified that she would contact the PCM agency and transition him to the another type of service.

The record was held open to allow appellant the opportunity to work with MassHealth to transition to a plan that would better suit appellant's needs. On December 30, 2025, the MassHealth representative provided the transition plan with updates on the status of the services for appellant (Exhibit 7 and 8). MassHealth made referrals to three agencies on behalf of appellant and provided phone numbers and contact information to both the PCA and surrogate (*Id.*). The appellant was provided with a number of agencies that could help appellant (*Id.*). On December 10, 2025 the surrogate stated that he would contact the resources provided (*Id.*). On December 30, 2025 the surrogate stated that he contacted one of the resources and was informed they no longer existed (*Id.*). The MassHealth representative encouraged the surrogate to follow up with the remaining referrals (*Id.*). On January 14, 2026, voicemail was left with the surrogate (*Id.*). On January 20, 2026, the PCA responded and stated that the emails went to her junk folder and she did not see them (*Id.*). She also stated that the surrogate had a baby on the [REDACTED] and that appellant was admitted again to the hospital on the [REDACTED] so they had fallen behind on things (*Id.*). The PCA stated that she would review the emails and respond in the next few hours (*Id.*). As of February 9, 2026, no other communication was received by the Hearing Officer from appellant's representatives (*Id.*).

## Findings of Fact

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

1. On October 1, 2025 MassHealth issued a notice terminating appellant's PCA services, pursuant to 130 CMR 422.412(D), because the appellant billed for PCA services while hospitalized or in another inpatient facility, which is prohibited under the regulations.
2. The first warning was issued on April 1, 2025 which stated that appellant failed to comply with the MassHealth PCA Program rules by continuing to schedule and submit timesheets for PCA services while admitted to an acute hospital, nursing facility, or other in-patient facility which is in violation of 130 CMR 422.412(D) (Exhibit 6, p. 7).
  - a. The PCA billed on December [REDACTED] 2024 while appellant was admitted to a hospital from [REDACTED] 2024 through [REDACTED] 2024.
3. The termination notice specified that appellant billed for PCA services while in a hospital/inpatient facility from [REDACTED] 2025 through [REDACTED] 2025.
4. The appellant has had two surrogates help him manage the PCA program.

5. MassHealth is willing to work with appellant to help him transition to a home health aide program during the record open period.
6. The appellant failed to transition to a home health aide program during the record open period.

## **Analysis and Conclusions of Law**

130 CMR 422.420 explains member responsibilities in order for a member to receive PCA services. Members must comply with all applicable MassHealth regulations (130 CMR 422.420(A)(20)). Pursuant to 130 CMR 422.412 MassHealth does not cover time when the PCA is not providing assistance with ADLs or IADLs. Furthermore, 130 CMR 422.420(B) states that the MassHealth agency reserves the right to terminate PCA services if a member fails to comply with any of the requirements listed in 130 CMR 422.420(A).

MassHealth's testimony that a PCA cannot perform ADLs and IADLs while a patient is in a hospital is credible. The appellant does not dispute his hospitalization on the dates in question and the PCA that appeared at hearing had no persuasive argument for why she continued to bill for work while the appellant was hospitalized. Not knowing that it was prohibited is not sufficient defense especially in light of the fact that MassHealth issued a warning on April 1, 2025.

Based on the above analysis, MassHealth did not err when it issued its termination notice dated October 1, 2026.

## **Order for MassHealth**

Remove aid pending and proceed with the termination of PCA services set forth in the notice dated October 1, 2025.

## **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.

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Radha Tilva  
Hearing Officer

Board of Hearings

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

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

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