

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2517649
Decision Date:	2/27/2026	Hearing Date:	12/30/2025
Hearing Officer:	Marc Tonaszuck		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Heather Adams, RN, Optum



*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:	Prior Authorization – Personal Care Attendant (PCA) Services
Decision Date:	2/27/2026	Hearing Date:	12/30/2025
MassHealth’s Rep.:	Heather Adams, RN, Optum	Appellant’s Rep.:	Pro se
Hearing Location:	Springfield MassHealth Enrollment Center	Aid Pending:	No

Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30 and the rules and regulations promulgated thereunder.

Jurisdiction

Through a notice dated 11/10/2025, MassHealth informed the appellant that it denied her request for authorization of personal care attendant (PCA) services because she does not have documented need for hands-on assistance with at least two activities of daily living (ADLs) (130 CMR 420.001; Exhibit 1). The appellant filed this appeal with the Board of Hearings in a timely manner on 12/01/2025 (130 CMR 610.015(B); Exhibit 2). MassHealth agency actions to suspend, reduce, terminate, or restrict a member's assistance are valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied the appellant’s request for PCA services.

Issue

Was MassHealth correct in denying the appellant's request for PCA services?

Summary of Evidence

MassHealth was represented by a registered nurse employed by Optum, the contractor that makes the PCA decisions for MassHealth. The appellant represented herself in these proceedings. All parties appeared telephonically. Exhibits 1-4 were entered into the hearing record.

The MassHealth representative testified that on 10/30/2025, a re-evaluation prior authorization request (PA) for PCA services was submitted on the appellant's behalf by her PCA provider, [REDACTED] (Provider). In the PA request, the provider requested 18 hours and 30 minutes (18:30) per week of day/evening PCA assistance of personal care attendant services for a period of one year. On 11/10/2025, MassHealth determined that the appellant does not have documented need for assistance with at least two activities of daily living (ADLs) and therefore denied the request for PCA services.

According to the documentation submitted by the PCA provider with the PA, the appellant is

a [REDACTED] year old who lives alone in an apartment. She is alert and oriented x3 and self-manages her PCA program. Past medical history includes fibromyalgia, pinched nerve in neck, trigeminal nerve damage from a concussion, ADD, Bipolar, sciatica, vertigo, neuropathy down left arm, TMJ with a lot of pain, asthma, obesity and new diagnoses of bulging discs and central canal stenosis to C4,5,6. The appellant denies recent falls and/or hospitalizations. Recent MRI showed new diagnoses listed with history. The appellant reports she is unable to drive and is dependent on PCA to complete all IADL's as she does not have the assistance of her son. She is also needing assistance of PCA for ADL's listed in evaluation. This LPN is requesting increase in PCA hours to support her hands-on needs discussed with this LPN due to severe debilitating pain reported and listed in time for tasks. Consumer tries to perform tasks slowly despite pain like washing parts of her body, dressing/undressing, toileting. It takes her a while and can tire her and cause terrible pain but at her age she is very modest and does not yet feel comfortable having someone assist her. She allows assistance when/where she is comfortable.

(Exhibit 4, p. 12.)

The MassHealth representative testified that the documentation included with the PA indicates that the appellant's current impairments are not chronic in nature. She is independent with mobility and other health care needs. Although she is able to perform the tasks slowly at times when she has pain, that assistance is anticipatory in nature, which is not a covered PCA service.

The MassHealth representative testified that if there is no documentation in place to support required assistance with ADLs, then the PA is denied, even if time for IADLs was requested. In this case, the appellant's PA was denied for failing to show that she requires assistance with at least two ADLs.

The appellant represented herself in this matter. She testified that she understood the testimony of the MassHealth representative. She had no further testimony.

Findings of Fact

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

1. The appellant is a MassHealth member (Testimony; Exhibit 4).
2. The appellant is

 ■■■■ years of age and she lives alone in an apartment. She is alert and oriented x3 and self-manages her PCA program. Past medical history includes fibromyalgia, pinched nerve in neck, trigeminal nerve damage from a concussion, ADD, Bipolar, sciatica, vertigo, neuropathy down left arm, TMJ with a lot of pain, asthma, obesity and new diagnoses of bulging discs and central canal stenosis to C4,5,6. The appellant denies recent falls and/or hospitalizations. Recent MRI showed new diagnoses listed with history. The appellant reports she is unable to drive and is dependent on PCA to complete all IADLs
3. On 10/30/2025, a re-evaluation prior authorization request (PA) for PCA services was submitted on the appellant's behalf by her PCA provider, ■■■■ (Provider). In the PA request, the provider requested 18 hours and 30 minutes (18:30) per week of day/evening PCA assistance of personal care attendant services for a period of one year (Testimony; Exhibit 4).
4. On 11/10/2025, MassHealth determined that the appellant does not have documented need for assistance with at least two activities of daily living (ADLs) and therefore denied the request for PCA services (Testimony; Exhibit 4).
5. A timely appeal was filed by the appellant on 12/01/2025 (Exhibit 2).
6. A fair hearing was held before the Board of Hearings on 12/30/2025 (Exhibit 3).
7. At the fair hearing, the appellant did not dispute that the documentation included with the PA does not support required assistance with at least two ADLs.

Analysis and Conclusions of Law

Regulations at 130 CMR 450.204 described medical necessity, as follows:

The MassHealth agency 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) A service is "medically necessary" if:

(1) it is reasonably calculated to prevent, diagnose, prevent the 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 MassHealth agency. Services that are less costly to the MassHealth agency include, but are not limited to, health care reasonably known by the provider, or identified by the MassHealth agency 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 (emphasis added).

Regulations at 130 CMR 422.412 describe non-covered PCA services:

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.

To qualify for services under the PCA program, the member must meet the conditions defined at

130 CMR 422.403, below:

(C) 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/grooming;
 - (d) dressing or undressing;
 - (e) range-of-motion exercises;
 - (f) eating; and
 - (g) toileting
- (4) The MassHealth agency has determined that the PCA services are medically necessary and has granted a prior authorization for PCA services.

The type of PCA services available are described in 130 CMR 422.410 below:

- (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/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 tubefeeding 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 the MassHealth agency as being instrumental to the health care of the member.

(C) Determining the Number of Hours of Physical Assistance. 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) The MassHealth agency will consider individual circumstances when determining the number of hours of physical assistance that a member requires for IADLs.

(Emphasis added.)

The appellant has the burden "to demonstrate the invalidity of the administrative determination." See *Andrews vs. Division of Medical Assistance*, 68 Mass. App. Ct. 228. Moreover, the burden is on the appealing party to demonstrate the invalidity of the administrative determination. See *Fisch v. Board of Registration in Med.*, 437 Mass. 128, 131 (2002); *Faith Assembly of God of S. Dennis & Hyannis, Inc. v. State Bldg. Code Commn.*, 11 Mass. App. Ct. 333, 334 (1981); *Haverhill Mun. Hosp. v. Commissioner of the Div. of Med. Assistance*, 45 Mass. App. Ct. 386, 390 (1998).

The appellant, through her PCA provider, requested personal care attendant (PCA) services from MassHealth. The appellant requested assistance with various ADLs and instrumental activities of daily living (IADLs).

The MassHealth representative testified that the appellant's needs are anticipatory, as noted in the PA by her PCA provider, and as a result, there is no documented need for PCA assistance with

at least two ADLs.

The appellant made no substantive argument in support of her need for services. In fact, she agreed that she is independent with the ADLs, though she may be slow and may suffer some pain.

MassHealth's denial is supported by the facts in the hearing record, as well as the MassHealth regulations. Accordingly, this 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.

Marc Tonaszuck
Hearing Officer
Board of Hearings

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