

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Approved in part Denied in part	Appeal Number:	2517695
Decision Date:	2/18/2026	Hearing Date:	01/08/2026
Hearing Officer:	Kenneth Brodzinski	Record Open to:	

Appearance for Appellant:

Pro se

Appearance for MassHealth:

Cassandra Horne with Jeramiah Mancuso, RN
(Commonwealth Care Alliance)



*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:	Approved in part Denied in part	Issue:	Prior Authorization - PCA
Decision Date:	2/18/2026	Hearing Date:	01/08/2026
MassHealth's Rep.:	Cassandra Horne	Appellant's Rep.:	Pro se
Hearing Location:	Springfield MEC		

Authority

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

Jurisdiction

Through notice dated November 19, 2025, MassHealth's agent, Commonwealth Care Alliance (CCA) Issued a Level 1 denial upholding a reduction in the number of Personal Care Attendant (PCA) hours awarded this year as opposed to last year on a request for prior authorization for PCA services (Exhibit A). Appellant filed this appeal in a timely manner on November 26, 2025, seeking an increase in PCA time time (see 130 CMR 610.015(B) and Exhibit A). Prior authorization determinations constitute valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth's agent, Commonwealth Care Alliance (CCA) Issued a Level 1 denial upholding a reduction in the number of Personal Care Attendant (PCA) hours awarded this year as opposed to last year on a request for prior authorization for PCA services.

Issue

The appeal issue is whether CCA acted in accordance with the controlling regulation(s) in upholding a reduction in the number of Personal Care Attendant (PCA) hours awarded this year as opposed to last year on a request for prior authorization for PCA services.

Summary of Evidence

CCA was represented by its Appeals coordinator and a registered nurse reviewer who appeared by video. Appellant appeared in person. Prior to hearing, CCA filed a packet of documents including, inter alia, copies of the current PCA evaluation (collectively, Exhibit B).

The CCA representatives testified that a PCA evaluation was performed in-house by CCA in August 2025. A nurse evaluator from CCA met with Appellant in his home to conduct the evaluation. The CCA representatives testified that the nurse evaluator determined that Appellant required 25.25 hours per week of PCA services. They also noted that no modifications were made and CCA approved all the time that was requested by its in-house evaluation. CCA questioned whether Appellant had a right to an appeal where CCA had approved all the requested time.

In response, the hearing officer explained that when MassHealth (as opposed to CCA) approves all requested time, there would be no appeal right because the PA request is submitted by the member's PCM agency after the PCM agency conducts the PCA evaluation. The PCM agency is not an agent of MassHealth; therefore, when MassHealth has approved all time requested, the matter of wanting to request more time would be between the member and the PCM agency, not MassHealth. In this case, CCA is an agent of MassHealth and it has produced both the PCA evaluation (along with the attendant PA request) and the PA determination. In such a scenario, CCA could be simply rubberstamping its own in-house evaluations. Appellant is supposed to have a right to a meaningful appeal to MassHealth if he/she disagrees with the amount of services awarded. This right would be nullified if CCA were, in fact, rubber stamping its own determinations and the member had no recourse to appeal other than to CCA. The hearing officer continued with the hearing.

The CCA representatives testified that in 2024 Appellant had been a member of CCA's One Care Plan. In 2024, Appellant had filed an appeal on a reduction in PCA time and succeeded at the appeal in having 51.75 total hours restored to him. On August 1, 2025 Appellant switched from the CCA One Care Plan to the CCA SCO Plan.

The CCA representatives explained that as of January 1, 2026, both the SCO Plan and the One Care Plan no longer allowed PCA time to assist with cueing or supervision. Prior to January 1, 2026, the One Care Plan did allow PCA time to assist with cueing and supervision; the SCO plan did not. According to the CCA representatives, this change justified a significant reduction in the PCA time

awarded to Appellant.

The CCA representatives testified that the in-house PCA evaluation was conducted in August 2025. While no time was awarded for cueing and supervision, 281 minutes per week were allowed for the PCA to take Appellant to and from his AA meetings (Exhibit B, pages 105-106)

The in-house PCA evaluation determined that Appellant required 25.25 hours per week which CCA approved. Appellant filed a grievance with CCA seeking to have his previous 51.75 hours restored. The Level One appeal denial came out of that grievance.

Before turning to each area of assistance that was considered, Appellant testified at length about his change from being a member of the CCA One Care Plan and the CCA SCO plan. Appellant asserts that it was this change that caused him to lose his full 51.75 hours. Appellant testified that he was coerced and forced by CCA to change plans. Appellant testified that in July of 2025 he was told by a CCA representative that he had to leave the One Care Plan and enroll in the SCO and if he refused, he would lose his health care coverage. Appellant ultimately made the switch to the SCO. According to Appellant, he subsequently learned that CCA had lied to him and he never had to switch plans. Upon questioning, the CCA representatives stated that they did not think there was any requirement to switch plans.

As Appellant understands it, the switch caused him to lose the full 51.75 hours of PCA services he had previously. Appellant explained that while he was under the [REDACTED] [REDACTED] would do his PCA evaluations, and they would submit for the 51.75 hours. Now, under the SCO, another agency does the evaluation and they are only requesting the 25.25 hours. Appellant wants to return to the One Care Program so that GSSS can do his PCA evaluations and potentially get his 51.75 hours restored. Appellant cited generally to the Uniform Commercial Code in asserting his right to be allowed to leave his contract with the CCA SCO on the grounds that the SCO has breached their contract.

Appellant also asserted that his 51.75 hours should have continued because he was owed continuity of care. In response, the CCA representatives explained that under the CCA plans, a member is entitled to 90 days for continuity of care. CCA explained that Appellant's prior PA with 51.75 hours extended from March 1, 2025 to October 31, 2025. Appellant joined the SCO on August 1, 2025 which meant he was due continuity of care for 90 days from August 1, 2025 which would be October 31, 2025. Appellant's 51.75 hours did continue for the 90 period on and between the switch date of August 1, 2025 to October 31, 2025.

The hearing moved on to address each area of assistance that was considered.

Mobility – The CCA representatives testified that no time was given to assist Appellant with mobility inside the home as he was observed to be independent with mobility during the in-home assessment. In response, Appellant testified that his PCA helps guide him through his apartment. This was not consistent with a comment that Appellant made earlier during the hearing when he explained that he lived in a small apartment and despite being totally blind, he was very familiar with his static home surroundings and moved about freely. Additionally, Appellant did not state how much time he would request for time to assist with mobility inside his home.

Repositioning - The CCA representatives testified that no time was given to assist Appellant with repositioning as Appellant was observed to be independent with getting in and out of bed. In response, Appellant testified that he had a car accident in [REDACTED] and he now has problems with pain in his cervical, thoracic and lumbar spine. Again, Appellant did not state how much time he would request for time to assist with repositioning.

Bathing - The CCA representatives testified that Appellant was allowed 15 minutes, once per day, seven days per week to assist with bathing. The CCA representatives testified that the amount of time is consistent with what is customarily allowed for someone like Appellant who is found to only require minimal assistance with the activity.¹ After Appellant explained why he takes two showers per day, CCA agreed to increase time to assist with bathing to 15 minutes, twice per day, seven days per week.

Grooming (Nail Care) – CCA allowed 3 minutes once per week to assist with nail care. Appellant requested 30 minutes per week.

Hair Care (Brushing)- CCA allowed 3 minutes per day to assist with brushing hair. Appellant requested 5 minutes per day, but did not offer any justification for the additional 2 minutes. At hearing, it was observed that Appellant has very short hair.

Shaving - CCA allowed 3 minutes per day three times per week to assist with shaving. Appellant requested 15 per day three time per week in order to avoid cuts.

Application of Skin Lotion - CCA allowed 3 minutes per day seven days per week to assist with the application of skin lotion. Appellant testified that lotion is applied from head to toe and requested 10 minutes per day. The evaluation lists no skin conditions or problems and Appellant did not assert that he had any skin conditions or problems.

Dressing - CCA allowed 7 minutes once per day seven days per week to assist with dressing as this is the time customarily allowed for someone needing only minimal assistance with the activity. Appellant requested 10 minutes per day noting that because he is blind, the PCA discusses his dressing needs for the day and then helps him to select the appropriate and matching clothing and

¹ CCA cited reliance on the standardized PCA Time For Task Guidelines (Exhibit B, pages 110-121).

lay it out on the bed for him.

Undressing - CCA allowed 5 minutes once per day seven days per week to assist with dressing as this is the time customarily allowed for someone needing only minimal assistance with the activity. Appellant requested 10 minutes but gave no reason.

Toileting and Medications - CCA did not allow any time to assist with toileting or administration of medications. Appellant stated that he did not dispute this.

Meal Preparation – The CCA representatives testified that CCA awarded the maximum time customarily allowed for someone such as Appellant, who is totally blind and requires maximum assistance with meal preparation. Accordingly, CCA allowed 20 minutes for breakfast; 30 minutes for lunch; 45 minutes for dinner and 5 minutes for snacks. Appellant disagreed with the amount of time for breakfast and requested 45 minutes.

Laundry, Housekeeping and Shopping – The CCA representatives testified that Appellant was allowed the maximum time for each activity (90 minutes each). Appellant stated he had no dispute with these times.

Special Needs – Assistance with Paperwork – CCA approved 20 minutes per week for assistance with paperwork, but after Appellant testified to his needs regarding opening and reading mail and paying bills, CCA agreed to increase the time to assist with paperwork to 80 minutes per week. Appellant agreed with this change.

Medical Transportation – CCA approved 281 minutes per week for the PCA to assist Appellant to and from his daily AA meetings. The CCA representatives explained that Appellant previously had been allowed 21 hours per week, but this was reduced when time for supervision was no longer allowed for PCA services under both the SCO and One Care Plans.

Appellant testified that meetings are twice per day and last 1.5 hours each. Appellant testified that his PCA helps get from his home to the car, assists getting him into the car and putting on his seatbelt, from the parking lot into the building, up and down stairs, guide to seat and assist with bathroom breaks if needed. Appellant testified that his PCA needs to stay with him for the entire meeting in case he is needed.

Findings of Fact

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

1. A PCA evaluation was performed in-house by CCA in August 2025 relative to Appellant's PCA services.
2. A nurse evaluator from CCA met with Appellant in his home to conduct the evaluation.
3. The CCA nurse evaluator determined that Appellant required 25.25 hours per week of PCA services.
4. CCA approved all the time that was requested by its in-house evaluation.
5. In 2024 Appellant had been a member of CCA's One Care Plan.
6. In 2024, Appellant had filed an appeal on a reduction in PCA time and succeeded at the appeal in having 51.75 total hours restored to him.
7. On August 1, 2025, Appellant switched from the CCA One Care Plan to the CCA SCO Plan.
8. As of January 1, 2026, both the SCO Plan and the One Care Plan no longer allowed PCA time to assist with cueing or supervision.
9. Prior to January 1, 2026, the One Care Plan did allow PCA time to assist with cueing and supervision; the SCO plan did not.
10. Appellant filed a grievance with CCA seeking to have his previous 51.75 hours restored and a Level One appeal denial came out of that grievance.
11. Under CCA plans, a member is entitled to 90 days for continuity of care.
12. Appellant's prior PA with 51.75 hours extended from March 1, 2025 to October 31, 2025.
13. In making its determinations on specific areas of assistance, CCA employed the standardized PCA Time For Task Guidelines (Exhibit B, pages 110-121).
14. CCA allowed no time to assist Appellant with mobility inside the home as he was observed to be independent with mobility during the in-home assessment.
15. Appellant lives in a small apartment and despite being totally blind, he is very familiar with his static home surroundings and moves about freely.

16. CCA allowed no time to assist Appellant with repositioning as Appellant was observed to be independent with getting in and out of bed.
17. CCA allowed 15 minutes, once per day, seven days per week to assist with bathing as Appellant was deemed to require minimal assistance with the activity.
18. After Appellant explained why he takes two showers per day, CCA agreed to increase time to assist with bathing to 15 minutes, twice per day, seven days per week.
19. allowed 3 minutes once per week to assist with nail care.
20. CCA allowed 3 minutes per day to assist with brushing hair; Appellant has very short hair.
21. CCA allowed 3 minutes per day three times per week to assist with shaving.
22. CCA allowed 3 minutes per day seven days per week to assist with the application of skin lotion.
23. The evaluation lists no skin conditions or problems and Appellant did not assert that he had any skin conditions or problems.
24. CCA allowed 7 minutes once per day seven days per week to assist with dressing as this is the time customarily allowed for someone needing only minimal assistance with the activity.
25. Appellant's PCA discusses Appellant's dressing needs for the day and then helps him to select the appropriate and matching clothing and lays it out on the bed for him.
26. CCA allowed 5 minutes once per day seven days per week to assist with dressing as this is the time customarily allowed for someone needing only minimal assistance with the activity.
27. CCA did not allow any time to assist with toileting or administration of medications; Appellant did not dispute this.
28. CCA awarded the maximum time customarily allowed for someone such as Appellant, who is totally blind and requires maximum assistance with meal preparation.
29. CCA allowed 20 minutes for breakfast; 30 minutes for lunch; 45 minutes for dinner and 5 minutes for snacks.
30. CCA representatives testified that Appellant was allowed the maximum time for laundry,

housekeeping and shopping (90 minutes each); Appellant did not dispute this.

31. CCA approved 20 minutes per week for assistance with paperwork.
32. After Appellant testified to his needs regarding opening and reading mail and paying bills, CCA agreed to increase the time to assist with paperwork to 80 minutes per week; Appellant agreed with this change.
33. CCA approved 281 minutes per week for the PCA to assist Appellant to and from his daily AA meetings.
34. Last year, CCA had allowed 21 hours per week, but this was reduced when time for supervision was no longer allowed for PCA services under both the SCO and One Care Plans.
35. Appellant attends two AA meetings per day and each lasts about 1.5 hours.
36. The PCA helps Appellant go from his house to the car; from the car to and into the building; to his seat and to the bathroom if needed then from the building to his car; from the car to his home.

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)).

First, on the matter of Appellant's switch between the One Care Plan and the SCO, this Board lacks jurisdiction to review the matter on this appeal. Appellant switched on August 1, 2025. If he believed he was coerced or for some other reason the switch was improper, he had 60 days to file an appeal (130 CMR 610.015(B)(1)). Appellant's appeal was not filed until November 26, 2025, and it addressed only the Level One denial which did not concern the program switch itself.

Next, on the matters of the individual areas of assistance, by the end of the hearing the following areas remained in dispute:

Mobility – time allowed upheld. During the hearing, Appellant acknowledged that like many people who are totally blind, he knows the interior of his small home very well. Appellant can ambulate on his own. The record contains no basis to allow assistance with mobility within Appellant's own home. Additionally, it should be noted that even when Appellant was receiving

51.75 hours per week, he was without PCA assistance for 116.25 per week. 58 of those hours can account for 8 hours per day sleeping, meaning Appellant was without CPA services for 58.25 waking hours per week. It is reasonable to conclude that Appellant was able to ambulate unassisted in his home during the 8+ waking hours per day when he did not have PCA services.

Repositioning – time allowed upheld. Appellant was observed to be independent by getting in and out of bed which requires more physical resources than just repositing oneself while seated or lying down. No evidence was submitted to verify Appellant's claim that he has pain in his cervical, thoracic and lumbar spine due to a recent car accident. Moreover, no evidence or testimony was furnished to explain the degree of this pain and how it may limit Appellant's functional ability to reposition himself.

Grooming (Nail Care) – time allowed upheld. The record contains no evidence supporting the need for 30 minutes for a PCA to clip Appellant's nails. Additionally, no rationale was given why blindness would prevent a person from being able to clip his own fingernails.

Hair Care (Brushing)- time allowed upheld. The record contains no evidence supporting the need for 5 minutes as opposed to 3 minutes to brush Appellant's short hair

Shaving - time allowed upheld. The record contains no evidence supporting the need for 15 minutes to shave. With modern day razors, the allowed 3 minutes is sufficient and cuts are unlikely.

Application of Skin Lotion - time allowed upheld. The record contains no evidence supporting the need for 10 minutes per day to apply skin lotion. The record contains no information supporting the need to apply lotion daily from head to toe as Appellant claimed, especially as the record contains no evidence that Appellant has a skin condition or problem requiring such.

Dressing - time allowed upheld. Often dressing involves the PC physically assisting the member to put on their clothes due to functional limitations. Here, Appellant described no such activity. Instead, the PCA is selecting and laying out Appellant's clothes due to his blindness. This is necessary but given that the PCA is not additionally physically dressing Appellant, the allowed 7 minutes is consistent with the Time for Task Guidelines for a person needing only minimal assistance.

Undressing - time allowed upheld. Based on Appellant's description of his dressing assistance, it is reasonable to conclude that the PCA is not physically undressing Appellant but is helping Appellant to put his clothes away once he has undressed. The allowed 7 minutes is consistent with the Time for Task Guidelines for a person needing only minimal assistance.

Meal Preparation – time allowed upheld. CCA awarded the maximum time customarily allowed for someone such as Appellant, who is totally blind and requires maximum assistance with meal

preparation. The record contains no basis to allow 45 minutes for breakfast, instead of 20, as Appellant requested.

Medical Transportation – time allowed upheld. CCA approved 281 minutes per week for the PCA to assist Appellant to and from his daily AA meetings. At two meetings per day seven days per week, this amounts to 10 minutes of physical hands-on assistance each time Appellant goes to and returns from a meeting. Ten minutes should be sufficient to go from the house to the car, into the building and to a chair; then another ten minutes to go from the building, to the car and into the home. Time is no longer compensable for supervising. While the PCA may or may not stay for the whole meeting, the PCA is no longer compensated for non-hands-on time such as time for supervision. CCA’s policy complies with MassHealth regulations (130 CMR 422.412(A)(C) and (D)). On the matter of assisting Appellant to go to the bathroom while at his AA meeting, it bears noting that Appellant agreed with being independent for toileting. Although blind, if Appellant is going to meetings twice per day seven days per week, it is reasonable to conclude that he is very familiar with the location of the facilities. It was not explained why Appellant must rely on a PCA to escort him to a familiar location (the bathroom) within a familiar building instead of using a mobility cane which blind people customarily use to navigate on their own in public. The use of a mobility cane would constitute a less-costly alternative pursuant to 130 CMR 450.204(A) rendering PCA services to escort to the bathroom not medically necessary.

For the foregoing reasons, the appeal is approved in part and denied in part.

Order for MassHealth’s Agent, CCA

Increase time to assist with showers to twice per day and assistance with Special Needs – Paperwork to 80- minutes per week as agreed at hearing.

Implementation of this Decision

If this decision is not implemented within 30 days after the date of this notice, you should contact your MEC office. If the MEC office gives you any problems with implementing this decision, you should report this in writing to the Director of the Board of Hearings, MassHealth of Medical Assistance, at the address on the first page of this decision.

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

MassHealth Representative: Commonwealth Care Alliance SCO, Attn: Nayelis Guerrero, 30 Winter Street, Boston, MA 02108