

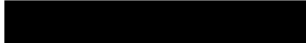
**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Approved in part; Denied in part; Dismissed in part	Appeal Number:	2518375
Decision Date:	1/27/2026	Hearing Date:	01/22/2026
Hearing Officer:	Amy B. Kullar, Esq.		

Appearance for Appellant:



Appearance for MassHealth:

Heather Adams, R.N., Clinical Reviewer, 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:	Approved in part; Denied in part; Dismissed in part	Issue:	Prior Authorization; Personal Care Attendant (PCA) Services
Decision Date:	1/27/2026	Hearing Date:	01/22/2026
MassHealth's Rep.:	Heather Adams, R.N.	Appellant's Rep.:	Mother
Hearing Location:	Quincy Harbor South 3 (Telephone)	Aid Pending:	No

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 November 26, 2025, MassHealth modified the appellant's prior authorization request for personal care attendant services. *See* 130 CMR 450.024(A), 130 CMR 422.410(A)(7), 130 CMR 422.410(B)(1) and Exhibit 1. The appellant filed this appeal in a timely manner on December 15, 2025. *See* 130 CMR 610.015(B) and Exhibit 2. MassHealth's decision to restrict or modify a member's assistance is valid grounds for appeal. *See* 130 CMR 610.032.

Action Taken by MassHealth

MassHealth modified the appellant's prior authorization request for personal care attendant (PCA) services.

Issue

The appeal issue is whether MassHealth was acting within its discretion in modifying the appellant's prior authorization request for PCA services.

Summary of Evidence

The MassHealth representative appeared via telephone and identified herself as a registered nurse and clinical appeals reviewer. The appellant is a MassHealth member aged [REDACTED] and she was represented at hearing by her mother. The parties' testimony and record evidence are summarized as follows:

The appellant's medical history includes a primary diagnosis of Autistic Disorder, which contributes to "Fine motor coordination deficits; Cognition issues; Behavior issues." Testimony and Exhibit 5 at 11. The appellant lives at home with her parents and two siblings. Testimony.

The appellant had an initial evaluation for PCA services on November 3, 2025, and on November [REDACTED] 2025, her PCM agency, [REDACTED] requested 16 hours and 30 minutes per week of PCA services for the period of 11/26/2025 to 11/25/2026. MassHealth modified this request on November 26, 2025, to 5 hours and 30 minutes per week for the service period 11/26/2025 to 11/25/2026. Testimony, Exhibit 5. MassHealth made eight (8) modifications related to PCA assistance with mobility (bus transfers), bathing, bowel care, grooming: nail care, grooming: hair, eating, dressing, and undressing. After testimony and additional information were disclosed at hearing, MassHealth and the appellant's mother came to an agreement on five (5) categories: bathing, bowel care, eating, dressing, and undressing.

The eating task involves the PCA physically feeding the appellant her meals. The appellant's PCM agency requested twenty minutes per episode, twice per day, five days per week (20x2x5) during the week and also twenty minutes per episode, thrice per day, two days per week (20x3x2) on the weekend. MassHealth modified this request to zero minutes per week. After discussion between the MassHealth representative and the appellant's mother, it was agreed that this category would be approved at ten minutes per episode, twice per day, five days per week (10x2x5) during the week and also ten minutes per episode, thrice per day, two days per week (10x3x2) on the weekend. Therefore, with both parties in agreement, the category of eating is no longer in dispute.

The bathing task involves the PCA physically washing and drying the appellant during her shower and immediately after. The appellant's PCM agency requested thirty minutes per episode, once per day, seven days per week (30x1x7). MassHealth modified this request to ten minutes per episode, once per day, seven days per week (10x1x7). After discussion between the MassHealth representative and the appellant's mother, it was agreed that this category would be approved at fifteen minutes per episode, once per day, seven days per week (15x1x7). Therefore, with both parties in agreement, the category of bathing is no longer in dispute.

The dressing task involves the PCA physically assisting the appellant with donning her clothing. The appellant's PCM agency requested ten minutes per episode, once per day, seven days per week (10x1x7). MassHealth modified this request to five minutes per episode, once per day, seven days per week (5x1x7). After discussion between the MassHealth representative and the appellant's

mother, it was agreed that this category would be approved at seven minutes per episode, once per day, seven days per week (7x1x7). Therefore, with both parties in agreement, the category of dressing is no longer in dispute.

The undressing task involves the PCA physically assisting the appellant with removing her clothing. The appellant's PCM agency requested eight minutes per episode, once per day, seven days per week (8x1x7). MassHealth modified this request to three minutes per episode, once per day, seven days per week (3x1x7). After discussion between the MassHealth representative and the appellant's mother, it was agreed that this category would be approved at five minutes per episode, once per day, seven days per week (5x1x7). Therefore, with both parties in agreement, the category of undressing is no longer in dispute.

Furthermore, after discussion on the bowel care category, MassHealth agreed to fully restore all the time requested by the appellant's PCM in this category, eight minutes per episode, once per day, seven days per week (8x1x7). Therefore, with both parties in agreement, the category of bowel care is no longer in dispute.

The remaining disputed categories are mobility (bus transfers), grooming: nail care, grooming: hair care.

Mobility

The MassHealth representative testified that the time requested under the mobility category was for time for the PCA to walk the appellant to and from the bus stop. The time requested for this task was five minutes per day, two episodes per day, five days per week (5x2x5). The MassHealth representative explained that this category was modified to zero because the appellant is a [REDACTED] and she lives with her parents. Under the regulations, the walk to and from the bus stop is parental responsibility. The appellant's mother explained that her daughter will frequently elope and needs to have hands-on assistance and adult supervision to make the walk to the bus stop and safely board her bus. The MassHealth representative emphasized that this task as requested is parental responsibility.

Grooming (nail care)

The MassHealth representative explained that this task, the nail care section of the grooming category, is for the time it takes to cut the appellant's fingernails and toenails. The MassHealth representative testified that the appellant's PCM agency requested 10 minutes per episode of nail cutting, once per day, seven days per week (10x1x7), and MassHealth modified this category to zero minutes per week. She explained that this category was modified because the time requested is longer than is ordinarily required for someone with the appellant's needs, and due to the appellant's age, nail care is considered a parental responsibility. The appellant's mother explained that her daughter is very strong and that she resists having her nails cut. An adult must hold the appellant while the PCA physically cuts her nails. She testified that nail

cutting occurs practically every day because each nail cutting episode is incomplete due to the appellant's behaviors.

Grooming (hair care)

The MassHealth representative testified that this task, the hair care section of the grooming category, is for the time it takes the PCA to brush the appellant's hair. The appellant's PCM agency requested five minutes per episode of hair care, one time per day, seven days per week (5x1x7). MassHealth modified this category to three minutes per episode, once per day, seven days per week (3x1x7). The MassHealth representative explained that this modification was made because the time requested is longer than ordinarily required by someone with the appellant's physical needs. The appellant's mother testified that the appellant has a lot of very curly and "kinky" hair, and that in order for the appellant's hair to be maintained in a healthy manner with the proper haircare products, and to remove all her tangles, it takes much longer than 2 minutes, and that five minutes is the minimum amount of time that the appellant's haircare routine takes. The appellant is resistant to having her hair brushed and groomed. The MassHealth representative emphasized that the PCA program is about the time it takes to physically perform each task and does not include the time it takes to persuade the appellant to allow her hair to be brushed.

Findings of Fact

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

1. The appellant is a MassHealth member aged [REDACTED] and she lives in the community with her parents and two siblings.
2. Appellant has a primary diagnosis of Autistic Disorder. Testimony and Exhibit 5.
3. On November 21, 2025, appellant's PCM agency sent MassHealth a PA request seeking 16 hours and 30 minutes per week of PCA services for the period of 11/26/2025 to 11/25/2026. Testimony and Exhibit 5.
4. On November 26, 2025, MassHealth modified the request in eight (8) categories and approved the appellant for 5 hours and 30 minutes per week for the service period 11/26/2025 to 11/25/2026; specifically, by modifying the time for "mobility (bus transfers), bathing, bowel care, grooming: nail care, grooming: hair, eating, dressing, and undressing." Exhibits 1 and 5.
5. At hearing, MassHealth and the appellant's mother resolved the dispute as to the eating category and agreed that this category would be approved at be approved at ten minutes per episode, twice per day, five days per week (10x2x5) during the week and also ten minutes per episode, thrice per day, two days per week (10x3x2) on the weekend,

resolving the dispute related to PCA assistance with this task. Testimony.

6. At hearing, MassHealth and the appellant's mother resolved the dispute as to the bathing category and agreed that this category would be approved at fifteen minutes per episode, once per day, seven days per week (15x1x7), resolving the dispute related to PCA assistance with this task. Testimony.
7. At hearing, MassHealth and the appellant's mother resolved the dispute as to the dressing category and agreed that this category would be approved at seven minutes per episode, once per day, seven days per week (7x1x7), resolving the dispute related to PCA assistance with this task. Testimony.
8. At hearing, MassHealth and the appellant's mother resolved the dispute as to the undressing category and agreed that this category would be approved at five minutes per episode, once per day, seven days per week (5x1x7), resolving the dispute related to PCA assistance with this task. Testimony.
9. At hearing, MassHealth and the appellant's mother resolved the dispute as to the bowel care category and agreed that this category would be approved as requested, eight minutes per episode, once per day, seven days per week (8x1x7), resolving the dispute related to PCA assistance with this task. Testimony.
10. The appellant seeks PCA assistance time with mobility (bus transfers) as follows: two minutes per episode, twice per day, five days per week (2x2x5). Testimony and Exhibit 5.
11. MassHealth approved zero minutes for PCA assistance with mobility (bus transfers). Testimony and Exhibit 5.
12. The appellant seeks PCA assistance time with grooming: nail care as follows: ten minutes per episode, seven times per week (10x1x7). Testimony and Exhibit 5.
13. MassHealth approved zero minutes for PCA assistance with grooming: nail care. Testimony and Exhibit 5.
14. The appellant seeks PCA assistance with grooming: hair care as follows: five minutes per episode, 1 time per day, 7 days per week (5x1x7). Testimony and Exhibit 5.
15. The appellant has a significant amount of curly, thick hair, and in order for the appellant's hair to be maintained in a healthy manner with the proper haircare products, and to remove all her tangles, it takes her PCA longer than 2 minutes. Testimony.
16. MassHealth approved PCA assistance with grooming: hair care as follows: three minutes

per episode, 1 time per day, 7 days per week (3x1x7). Testimony and Exhibit 5.

Analysis and Conclusions of Law

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

See 130 CMR 422.403(C).

Here, there is no dispute that appellant meets all the prerequisites to qualify for PCA services. This appeal addresses whether MassHealth allotted sufficient time, in accordance with program regulations, for appellant to receive PCA assistance to meet her care needs. The requested services must also be medically necessary for the prior authorization request to be approved. MassHealth 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 service is "medically necessary" if:

- 1) it is reasonably calculated to prevent, diagnose, prevent 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 Division. Services that are less costly to the Division include, but are not limited to, health care reasonably known by the provider or identified by the Division 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.
- (B) Medically necessary services must be of a quality that meets professionally recognized standards of health care, and must be substantiated by records including evidence of such medical necessity and quality. A provider must make those records, including medical records, available to the Division upon request. (See 42 U.S.C. 1396a(a)(30) and 42 CFR 440.230 and 440.260.)
- (C) A provider's opinion or clinical determination that a service is not medically necessary does not constitute an action by the MassHealth agency.

See 130 CMR 450.204.

Pursuant to 130 CMR 422.410(A), 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 or **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 tube-feeding and special nutritional and dietary needs; and
- (7) toileting: physically assisting a member with bowel and bladder needs.

Pursuant to 130 CMR 422.410(B), 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 PCA services; and
 - (c) other special needs approved by the MassHealth agency as being instrumental to the health care of the member.

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;
- (G) **surrogates**, as defined in 130 CMR 422.402; or
- (H) PCA services provided to a member without the use of EVV as required by the MassHealth agency.

See 130 CMR 422.412 (emphases added).

The appeal is dismissed as to PCA assistance with eating because at hearing, the parties were able to resolve the dispute in this category of PCA assistance. After discussion between the MassHealth representative and the appellant's mother, it was agreed that this category would be approved at ten minutes per episode, twice per day, five days per week (10x2x5) during the week and also ten minutes per episode, thrice per day, two days per week (10x3x2) on the weekend, which resolved the dispute related to PCA assistance with this task.

This portion of the appeal is therefore DISMISSED.

The appeal is dismissed as to PCA assistance with bathing because at hearing, the parties were able to resolve the dispute in this category of PCA assistance. After discussion between the MassHealth representative and the appellant's mother, it was agreed that this category would be approved at fifteen minutes per episode, once per day, seven days per week (15x1x7), which resolved the dispute related to PCA assistance with this task.

This portion of the appeal is therefore DISMISSED.

The appeal is dismissed as to PCA assistance with bowel care because at hearing, the parties were able to resolve the dispute in this category of PCA assistance. After discussion between the MassHealth representative and the appellant's mother, it was agreed that this category would be approved as requested, eight minutes per episode, once per day, seven days per week (8x1x7), resolving the dispute related to PCA assistance with this task.

This portion of the appeal is therefore DISMISSED.

The appeal is dismissed as to PCA assistance with dressing because at hearing, the parties were able to resolve the dispute in this category of PCA assistance. After discussion between the MassHealth representative and the appellant's mother, it was agreed that this category would be approved at seven minutes per episode, once per day, seven days per week (7x1x7), which resolved the dispute related to PCA assistance with this task.

This portion of the appeal is therefore DISMISSED.

The appeal is dismissed as to PCA assistance with undressing because at hearing, the parties were able to resolve the dispute in this category of PCA assistance. After discussion between the MassHealth representative and the appellant's mother, it was agreed that this category would be approved at five minutes per episode, once per day, seven days per week (5x1x7), which resolved the dispute related to PCA assistance with this task.

This portion of the appeal is therefore DISMISSED.

As to the appellant's request for PCA assistance with mobility, this portion of the appeal is denied. The appellant requested five minutes per day, two episodes per day, five days per week (5x2x5) to walk the appellant to and from the bus stop and board her bus. MassHealth correctly modified this request to zero minutes per week because the record shows that appellant is a minor child and she resides with her parents. Although the appellant's mother credibly testified to the issues that she has walking the appellant to the bus stop, the regulations direct that MassHealth does not cover PCA assistance provided in the form of cueing, prompting, supervision, guiding, or coaching or any services provided by family members or surrogates.

This portion of the appeal is therefore DENIED.

As to the appellant's request for PCA assistance with grooming (nail care), this portion of the appeal is denied. The appellant requested ten minutes per episode of nail care, one time per day, seven days per week (10x1x7). MassHealth modified this request to zero minutes per week. MassHealth correctly modified this request because based upon the appellant's age and the discussion at hearing, the record shows that the appellant requires nail cutting on an almost daily basis because she must be restrained by an adult in order for the PCA to accomplish this task. The appellant's mother acknowledged that most of the time for this task is supervisory or cueing in nature. Furthermore, MassHealth regulations do not allow for PCA time to include any activity that is supervisory or cueing in nature, and also, due to the appellant's age, this task is considered a parental responsibility. The appellant did not demonstrate that PCA assistance with this task is medically necessary at this time.

This portion of the appeal is therefore DENIED.

As to the appellant's request for PCA assistance with grooming (hair care), this portion of the appeal is approved. The appellant requested 5 minutes per episode of haircare, once per day, seven days per week (5x1x7). The appellant's mother's testimony was credible and demonstrated that without the extra time as requested by the appellant's PCM agency, the appellant's hair would never be groomed. Since the appellant has a significant amount of curly, thick hair, I find that the appellant has shown that additional assistance with grooming (hair care) is medically necessary. The appellant is approved for grooming (hair care) as requested: 5 minutes per episode of hair care, one time per week (5x1x7).

This portion of the appeal is therefore APPROVED.

Order for MassHealth

For the prior authorization period 11/26/2025 to 11/25/2026, approve the following amounts of PCA assistance for the appellant:

- Mobility (bus transfers): zero minutes per week
- Bathing: 15x1x7 (105 minutes per week)
- Bowel Care: 8x1x7 (56 minutes per week);
- Grooming (nail care): zero minutes per week;
- Grooming (hair): 5x1x7 (35 minutes per week);
- Eating: 10x2x5 (100 minutes per week) during the week; 10x3x2 (60 minutes every weekend);
- Dressing: 7x1x7 (49 minutes per week); and
- Undressing: 5x1x7 (35 minutes per week).

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.

Implementation of this Decision

If this decision is not implemented within 30 days after the date of this decision, you should contact your MassHealth Enrollment Center. If you experience problems with the implementation of this decision, you should report this in writing to the Director of the Board of Hearings, at the address on the first page of this decision.

Amy B. Kullar, Esq.
Hearing Officer
Board of Hearings

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