



# Disability Law Center's Self-Advocacy Materials

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Health Care

This document is designed for people with disabilities. The information is about your legal rights and how to advocate for yourself as a resident in Massachusetts.

Contact us to request this information in an alternative format.

617-723-8455  
800-872-9992  
mail@dlc-ma.org

## Funding

DLC receives funding from government grants, private foundations, and individual contributions. For details about our funding and programs, please visit:

<http://www.dlc-ma.org/about/funding>

## MassHealth Prior Authorization And Appeal For Wheelchair Repair

### You Will Learn About:

- Prior Authorization And The Appeal Process
- Preparing For A MassHealth Hearing

**This document includes general information about legal issues and is intended to be used for informational purposes only. These informational materials should not be taken as legal advice, and do not create an attorney-client relationship. The outcome of any particular matter will depend on a variety of factors. For specific legal problems you would need to contact an attorney.**

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## Prior Authorization And The Appeal Process

### What Is The Process For Obtaining Prior Authorization For My Wheelchair Repair?

*If the repair costs less than \$1000, prior authorization is not required.*

If the cost of the repair is more than \$1000, MassHealth requires prior authorization. Your DME provider will need to fill out a prior authorization form with a prescription and a letter of medical necessity. Your DME provider will also need to include an invoice to show how much the repair is estimated to cost, a work order showing how many hours the repair will take, a detailed description of the circumstances that led to the necessity of the wheelchair repair, and an explanation as to why the wheelchair repair is not covered under warranty. Your provider will need to submit the prior authorization within 90 days from the date of your doctor's prescription.

### How Will I Find Out If The Prior Authorization Is Approved?

MassHealth will send a notification to both you and your requesting DME provider, stating whether or not the prior authorization is approved within 15 calendar days from the time that the prior authorization unit receives the request. If the prior authorization is denied, the MassHealth agency must include the reasons for the denial in the notice.

### I Found Out That My Prior Authorization For Repairing My Wheelchair Was Denied. What Can I Do?

You have the right to appeal this decision. The prior approval denial notice should include an appeal form. You will need to fill out the form and **it must be received by the MassHealth Board of Hearings within 30 days from the date you received the decision**. You can mail or fax your appeal. The address and fax number is on the form. If you fax the form in, keep a copy of the fax verification and if you mail it, you can send it with tracking, so you can prove when it was received. If you need an interpreter or an accommodation you should request this on the appeal form. MassHealth will provide an interpreter free of charge.

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## Preparing For A MassHealth Hearing

### What Happens After I Send In My Appeal Notice?

After you send in your appeal notice, the MassHealth Board of Hearings will schedule a Fair Hearing. You will get a notice in the mail telling you the date, time, and location at least 10 days prior to the hearing. If you can't attend in person, you can participate by phone. If you need to attend the hearing by phone, you should call the Board of Hearings and let them know you need a phone hearing and give them your phone number.

### How Do I Prepare For The Hearing?

You should review the denial notice carefully to see what reason is listed. It is also a good idea to review the hearing file in advance of the hearing. The notice will let you know who to call to request

the file. Once you know why you were denied, you can ask your medical provider for a letter with detailed information about why you need the specific repair to your wheelchair.

## What Happens At The Hearing?

MassHealth hearings are private and not open to the public, but they are tape recorded. The hearing is in a conference room, not in a court room. A hearing officer runs the hearing and gives all witnesses an oath to tell the truth. The MassHealth consultant talks first about why MassHealth denied the request to pay for the repair. The consultant will either be present at the hearing or on the phone.

After that, you and any witnesses you bring will have a chance to explain why the repair is medically necessary. You can show the hearing officer any new doctor's letter or other evidence you have. You also have the right to ask the MassHealth consultant questions.

If you want time after the hearing to get more evidence, you can ask the hearing officer for more time. The hearing officer will often approve an additional one to two weeks.

## How Will I Find Out About MassHealth's Decision?

The hearing officer will review all the evidence and the testimony and make a decision. You will receive a copy of the written decision in the mail. The decision should be sent to you within 90 days of the date you asked for the hearing. But, it often takes much longer. Also, if you asked for a postponement or time after the hearing to provide more evidence, the time period for sending the hearing decision is lengthened.

The written decision will tell you whether the appeal was allowed or denied and the reasons for the decision. The written decision will also tell you that you have 30 days from the receipt of the decision to file an additional appeal in Superior Court if you do not agree with the decision of the MassHealth Board of Hearings.