

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2101516
<b>Decision Date:</b>	9/03/2021	<b>Hearing Date:</b>	03/31/2021
<b>Hearing Officer:</b>	Radha Tilva	<b>Record Open to:</b>	07/21/2021

**Appearance for Appellant:**



**Appearance for MassHealth:**

Liz Landry, Taunton MEC Rep.



*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>	LTC – verification
<b>Decision Date:</b>	9/03/2021	<b>Hearing Date:</b>	03/31/2021
<b>MassHealth’s Rep.:</b>	Liz Landry	<b>Appellant’s Rep.:</b>	██████████
<b>Hearing Location:</b>	Taunton MassHealth Enrollment Center	<b>Aid Pending:</b>	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 February 2, 2021, MassHealth denied the appellant's application for MassHealth benefits because appellant failed to provide the requested documentation needed in order to determine eligibility (Exhibit 1). The appellant filed this appeal in a timely manner on February 26, 2021 (see 130 CMR 610.015(B) and Exhibit 2). Denial of assistance is valid grounds for appeal (see 130 CMR 610.032).

At hearing the record was left open until July 21, 2021 for appellant to submit verification of appellant’s immigration status.

## Action Taken by MassHealth

MassHealth denied appellant's application for MassHealth benefits because appellant failed to provide the requested documentation needed in order to determine eligibility.

## Issue

The appeal issue is whether MassHealth was correct in denying appellant’s request for MassHealth benefits for failure to verify?

## Summary of Evidence

The MassHealth representative that appeared by telephone at hearing testified that appellant entered the nursing facility in early 2020. The appellant applied for MassHealth long-term care benefits on December 16, 2020 seeking an eligibility start date of October 20, 2020. A request for verifications was sent on December 28, 2020 requesting a long-term care supplement along with citizenship information. On February 2, 2021 the application was denied as MassHealth did not receive the information they requested (Exhibit 1). Appellant appealed that notice to the Board of Hearings on February 26, 2021 (Exhibit 2). A new application was filed on March 1, 2021 and MassHealth requested information on that application on March 15, 2021. The MassHealth representative explained that MassHealth needs proof of appellant's citizenship and identity which cannot be self-attested. The representative also explained that appellant was given 90 days of MassHealth Standard on or around April 23, 2020, but that was later frozen because of the missing information.

The appellant was represented by a Medicaid Specialist from the nursing facility who testified that she still did not have the required documentation to prove appellant's immigration status. Appellant's representative explained that appellant's attorney was trying to expedite receiving records which were requested on October 8, 2020. The representative was informed that appellant did in fact have an Alien number which she believed meant that he also had a green card number. The appellant's representative also stated that she had submitted a self-attestation signed by the guardian attesting to appellant's identity status. At the request of the appellant's representative the record was left open for appellant to submit proof of citizenship. Multiple extensions were provided by the Hearing Officer during the record open period based off correspondence from the representative which relayed that the attorney was working on receiving a birth certificate from appellant's country of origin, Cuba, in order to obtain the green card status (see Exhibit 4).

On June 16, 2021 the Hearing Officer informed appellant that the record would remain open for 30 days until July 16, 2021, however, no further extensions would be granted after that date (Exhibit 4, p. 4). On July 20, 2021 the Hearing Officer requested a status update from appellant's representative having not heard anything from appellant (*Id.*). The representative stated that she was still waiting to hear back from the attorney and did not have further documentation (Exhibit 4, p. 3). Appellant confirmed that she did not have the citizenship verification, but requested a written determination (Exhibit 4, p. 3). She also stated that she would be appealing a second denial notice issued on April 21, 2021 (*Id.*). The MassHealth representative stated that the second denial was also for citizenship and asked the Hearing Officer to address in the decision (Exhibit 4, p. 2). The Hearing Officer declined as the second denial notice provides appeal rights for appellant and presumably protects the second application date.

## Findings of Fact

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

1. Appellant entered a long-term care facility in early 2020 and applied for MassHealth long-term care benefits on December 16, 2020 seeking an eligibility start date of October 20, 2020.
2. A request for verifications was sent on December 28, 2020 requesting a long-term care supplement along with citizenship information.
3. Appellant was denied long-term care benefits on February 2, 2021 for failure to verify.
4. Appellant appealed the denial on February 26, 2021 to the Board of Hearings.
5. At hearing on March 31, 2021 appellant did not present proof of appellant's immigration status as appellant's attorney was working on obtaining it.
6. After numerous record open extensions appellant failed to provide proof of appellant's immigration status as of July 21, 2021.

## **Analysis and Conclusions of Law**

Pursuant to 130 CMR 518.001, applicants applying for or receiving MassHealth must verify their citizenship and identity or immigration status. The requirements for verifying citizenship and identity is described at length under 130 CMR 518.004 and 130 CMR 518.005. 130 CMR 515.008 states that it is the responsibility of the applicant to cooperate with the MassHealth agency in providing information necessary to establish and maintain eligibility. It is undisputed that appellant has failed to verify his immigration and citizenship status. Though appellant's representative stated that she submitted an attestation to appellant's identity, Eligibility Operations Memo 20-09, dated April 7, 2020, clearly states MassHealth cannot accept self-attestation for verification of citizenship/immigration status.

The regulations allow for MassHealth to send the applicant a written request for all corroborative information necessary to determine eligibility (130 CMR 516.000(B)). The timeframe to return the requested verifications is 30 days from the date of the request (130 CMR 516.001(B)(2)). If the information is not received within 30 days, MassHealth benefits may be denied (130 CMR 516.001(C)). As appellant has failed to submit the requested documentation and comply with MassHealth regulations which require verification of citizenship and identity or immigration status, this appeal is DENIED and MassHealth was correct in denying appellant MassHealth long-term care benefits.

## **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.

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Radha Tilva  
Hearing Officer  
Board of Hearings

cc: Justine Ferreira, Taunton MassHealth Enrollment Center

