

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



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|-------------------------|---------------|-----------------------|------------------|
| Appeal Decision: | Denied | Appeal Number: | 2155549 |
| Decision Date: | 11/26/2021 | Hearing Date: | August 09, 2021 |
| Hearing Officer: | Brook Padgett | Record Open: | October 14, 2021 |

Appellant Representative:




MassHealth Representative:

Scott Michael, Taunton MEC



*Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
Board of Hearings
100 Hancock Street, 6th floor
Quincy, MA 02171*

APPEAL DECISION

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|--------------------------|------------|------------------------|---|
| Appeal Decision: | Denied | Issue: | 130 CMR 516.001 |
| Decision Date: | 11/26/2021 | Hearing Date: | August 09, 2021 |
| MassHealth Rep.: | S. Michael | Appellant Rep.: |  |
| Hearing Location: | Taunton | | |

Authority

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

Jurisdiction

The appellant received a MassHealth notice dated May 18, 2021, stating: MassHealth has reviewed your application for MassHealth long term care services which you filed on April 01, 2021. You are not eligible because you did not give MassHealth the information needed to decide your eligibility. (Exhibit 1). The appellant appealed this notice timely on July 22, 2021.¹ (130 CMR 610.015(B); Exhibit 2). Denial of assistance is valid grounds for appeal (130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied the appellant's application for long term care benefits for failure to submit required verifications.

Issue

Did the appellant submit the requested verifications prior to the close of the fair hearing and should these verifications be considered by MassHealth?

¹ The timeline to appeal has been extended outside the 30-day time limit due to COVID 19.

Summary of Evidence

MassHealth testified the appellant applied for MassHealth long term care benefits on April 01, 2021. MassHealth stated that at the time of the MassHealth notice the appellant had the following verifications still outstanding: complete application, pension, life insurance, SC-1, and nursing home screening.

The appellant's representative stated the appellant died in May 2021 and she is attempting to obtain appointment of an executor.

At the appellant's request the record remained open until September 09, 2021, to provide MassHealth with verification of an appointment of an executor. (Exhibit 4).

On September 08, 2021 the appellant's representative provided verification of the Court Order Appointing Special Personal Representative for the Estate of [REDACTED]. (Exhibit 5 and 5A). MassHealth indicated that the appellant's application was still incomplete (questions if applicant is legally married were skipped and questions 9-14 on page 23 skipped), as well as proof of income (recent pension stub), life Insurance (recent statements from 3 policies through [REDACTED] #9210, #5234, # 5088), SC1 form and Nursing Facility Screening form. (Exhibit 6). On September 14, 2021, the record open period was extended to October 14, 2021, and a list of outstanding items was forwarded to the appellant's newly appointed personal representative. (Exhibit 7).

On October 20, 2021, the appellant's special personal representative requested an extension of the record open period as a number of verifications remained outstanding. The representative was informed the extended record open period closed on October 14, 2021. The representative responded that she did not receive the original decree from the Court until a week following her appointment, the life insurance company would not provide information and she was unaware of bank statement information until a few days earlier. The representative indicated she believed she had additional time to provide the requested verifications as she had received a MassHealth notice dated October 12, 2021, which stated she had until November 11, 2021, to submit missing verifications. (Exhibit 8).

MassHealth responded that the notice dated October 12, 2021, was generated after a new application dated September 29, 2021 was submitted on behalf of the appellant, and is not connected to the current appeal.

The appellant's representative's request for an additional extension to the record was denied as the request was not made prior to record open period closing on October 14, 2021 as required. (Exhibit 9).

At the close of the record open period the appellant's representative had failed to submit verifications of income, bank statements, and life insurance. (Exhibit 10).

Findings of Fact

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

1. On April 01, 2021, the appellant applied for MassHealth long term care benefits. (Exhibit 1).
2. At the time of application, the appellant needed to submit a complete application, pension, life insurance, SC-1, and screening verifications.
3. On May 18, 2021, the appellant's application was denied for failing to submit verification of checking accounts, SC-1 admission form, level of care screening, property deed and proof of sale funds and social security deposits. (Exhibit 1).
4. In May 2021 the appellant died, and the appellant's representative required additional time to obtain an executor to obtain the requested verifications. (Testimony).
5. At the appellant's representative's request, the record remained open September 09, 2021 to provide MassHealth with verification of an executor. (Exhibit 4).
6. On September 08, 2021 the appellant's representative provided verification of the Court Order Appointing a Special Personal Representative for the estate. (Exhibit 5 and 5A).
7. On September 14, 2021, the record open period was extended until October 14, 2021 to submit the requested verifications. (Exhibit 7).
8. The appellant's representative failed to submit verification of income, bank statements, and life insurance within the required time limit. (Exhibit 9).

Analysis and Conclusions of Law

On April 01, 2021, an application was submitted on the appellant's behalf for MassHealth long term care benefits. On May 18, 2021, the appellant's application was denied for failing to submit required verification to determine long term care eligibility. The appellant's representative appealed the MassHealth action and at an appeal on August 09, 2021 requested the record remained open until September 14, 2021 to obtain an executor of the estate. On September 08, 2021 the appellant's representative provided verification of the Court Order Appointing a Special Personal Representative for the estate and on September 14, 2021, the record open period was extended until October 14, 2021 to submit the requested verifications. As of the close of the record open period the appellant's representatives had failed to submit the necessary verification for MassHealth to determine the appellant's eligibility for MassHealth long term care benefits.

130 CMR 516.001: Application for Benefits

(A) Filing an Application.

(1) Application. To apply for MassHealth (b) for an individual in need of long-term-care services in a nursing facility, a person or his or her authorized representative must file a complete paper Senior Application and Supplements or apply in person at a MassHealth Enrollment Center (MEC).

(C) Receipt of Corroborative Information. If the requested information, with the exception of verification of citizenship, identity, and immigration status, is received within 30 days of the date of the request, the application is considered complete. The MassHealth agency will determine the coverage type providing the most comprehensive medical benefits for which the applicant is eligible. **If such information is not received within 30 days of the date of the request, MassHealth benefits may be denied.** (Emphasis added).

The appellant's representatives failed to provide the necessary verifications to determine the appellant's MassHealth eligibility within the required time limits. The appellant has therefore not complied with the above-referenced regulations and as a consequence, MassHealth is within its discretion to deny the appellant's application. 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.

Brook Padgett
Hearing Officer
Board of Hearings

cc: MassHealth representative: Tewksbury MEC
