

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2155650
Decision Date:	9/27/2021	Hearing Date:	09/21/2021
Hearing Officer:	Marc Tonaszuck		

Appearance for Appellant:




Appearance for MassHealth:
Katie LaDuke, Springfield Intake



*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:	Denied	Issue:	Long Term Care
Decision Date:	9/27/2021	Hearing Date:	09/21/2021
MassHealth's Rep.:	Katie LaDuke	Appellant's Rep.:	
Hearing Location:	Springfield MassHealth Enrollment Center		

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 07/14/2021, MassHealth informed the appellant that it reviewed her application for MassHealth and that she is not eligible because she failed to submit verifications (130 CMR 515.008; Exhibit 1). The appellant filed this appeal timely on 07/26/2021 (130 CMR 610.015(B); Exhibit 2). Denial of assistance is valid grounds for appeal (130 CMR 610.032).

A fair hearing was scheduled to take place on 08/16/2021; however, due to a clerical error, the appellant representative's telephone was transcribed incorrectly, and she was unable to be reached for the hearing. The fair hearing was rescheduled and took place on 09/21/2021 (Exhibits 3A and 3B).

Action Taken by MassHealth

MassHealth denied the appellant's application for Long Term Care (LTC) benefits for failure to submit requested verifications.

Issue

The issue is whether or not the requested verifications were submitted to MassHealth.

Summary of Evidence

The MassHealth representative testified that the appellant is a resident of a skilled nursing facility, having been admitted in spring 2021. An application for MassHealth long term care (LTC) benefits was submitted on the appellant's behalf on 01/07/2021, seeking a benefit start date of 04/02/2021. The case was denied for failure to provide requested verifications. Some verifications were received by MassHealth on 03/31/2021, which became the reapplication date. On 01/19/2021 and again on 02/23/2021, MassHealth sent to the appellant a request for information (VC-1), seeking additional verifications due within 30 days. The missing verifications were not received and on 07/14/2021, MassHealth denied the application for LTC benefits.

As of the date of the fair hearing, the following verifications, which were requested on 01/19/2021 and 02/23/2021, remained outstanding:

US 1040 Tax forms from tax years 2018 and 2019, including all pages and schedules.

The MassHealth representative testified that financial eligibility must be shown for MassHealth to approve a LTC application for nursing home resident. Accordingly, MassHealth must see the appellant's tax returns.

The appellant's representative appeared at the fair hearing and testified telephonically. The appellant was also contacted for the hearing. At some point during the hearing, the appellant's call became disconnected. The hearing officer attempted to call the appellant again but received her voice mailbox. The appellant representative requested that the hearing continue without the appellant. The appellant representative testified that she requested the tax forms from the IRS on 07/19/2021, sending the request and a check to. She stated that she lives in Georgia and it has been difficult for her to provide information to MassHealth. She stated she is extremely frustrated by the process and she asked that MassHealth approve the benefits without the tax information.

The MassHealth representative responded that she cannot process the application without the requested information. The appellant representative then asked the hearing officer to approve the appeal without the tax forms.

Findings of Fact

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

1. The appellant, a nursing facility resident, having been admitted in spring 2021, applied for MassHealth LTC benefits on 01/07/2021, seeking a benefit start date of 04/02/2021. The application was denied and was restamped on 03/31/2021, the reapplication date.
2. On 01/19/2021 and again on 02/23/2021, MassHealth sent to the appellant a request for information (VC-1), requesting documentation to process the application.
3. On 07/14/2021, MassHealth denied the application for the appellant's failure to provide the requested verifications within the 30-day time frame.
4. As of the date of the hearing, the following information that had been requested on 01/19/2021 and again on 02/23/2021 remained outstanding: US 1040 Tax forms from tax years 2018 and 2019, including all pages and schedules.

Analysis and Conclusions of Law

MassHealth regulations at 130 CMR 515.008 address responsibilities of applicants and members as follows:

(A) Responsibility to Cooperate. The applicant or member must cooperate with the MassHealth agency in providing information necessary to establish and maintain eligibility and must comply with all the rules and regulations of MassHealth, including recovery and obtaining or maintaining other health insurance.

Regulations at 130 CMR 516.001(B) address corroborative information as follows:

The MassHealth agency requests all corroborative information necessary to determine eligibility.

(1) The MassHealth agency sends the applicant written notification requesting the corroborative information generally within five days of receipt of the application.

(2) The notice advises the applicant that the requested information must be received within 30 days of the date of the request, and of the consequences of failure to provide the information.

This appeal involves a denial of MassHealth LTC benefits base on the appellant's failure to provide requested verifications within the regulatory time frame. On 01/19/2021 and again

on 02/23/2021, MassHealth sent requests for verifications to the appellant, requesting certain documents and information within 30 days. The appellant failed to provide all the requested information, and on 07/14/2021, MassHealth denied the appellant's application for failure to provide verifications.

There was no dispute that some of the requested verifications, specifically the 1040 tax forms from 2018 and 2019 (including all pages and schedules) were not provided to MassHealth by the date of the fair hearing. MassHealth may require verification of the tax information to process the appellant's LTC application. As a result, pursuant to the above regulations, I conclude that MassHealth's denial of the appellant's application is supported by the facts in the record. This appeal is therefore 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.

Marc Tonaszuck
Hearing Officer
Board of Hearings

cc: Dori Mathieu, Springfield MassHealth Enrollment Center
