

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2176087
<b>Decision Date:</b>	10/26/2021	<b>Hearing Date:</b>	September 14, 2021
<b>Hearing Officer:</b>	Brook Padgett	<b>Record Open:</b>	October 14, 2021

**Appellant Representative:**




**MassHealth Representative:**

Elizabeth Rodriguez, Tewksbury MEC



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

## APPEAL DECISION

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	130 CMR 516.001
<b>Decision Date:</b>	10/26/2021	<b>Hearing Date:</b>	September 14, 2021
<b>MassHealth Rep.:</b>	E. Rodriguez	<b>Appellant Rep.:</b>	
<b>Hearing Location:</b>	Tewksbury		

### 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 August 2, 2021, stating: MassHealth has reviewed your application for MassHealth long term care services which you filed on March 09, 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 August 9, 2021. (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

## **Summary of Evidence**

MassHealth testified the appellant applied for MassHealth long term care benefits on March 9, 2021. MassHealth stated that at the time of the MassHealth notice the appellant had the following verifications still outstanding: checking account statements from August 2019 to present (all deposits over \$1,000.00); SC-1 admission form from nursing facility and level of care screening; copy of deed and where funds were disbursed at time of sale of Florida real estate; and account where social security income is deposited.

The appellant's representative stated she has been trying to get the information, but the appellant's stepchildren live in Florida and are not cooperating.

At the appellant's request the record remained open October 14, 2021, to provide MassHealth with the requested verifications. (Exhibit 4).

At the close of the record open period the appellant's representative had failed to submit any additional verification of eligibility.

## **Findings of Fact**

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

1. On March 9, 2021, the appellant applied for MassHealth long term care benefits. (Exhibit 1).
2. MassHealth requested additional verification to determine the appellant's long-term care eligibility. (Testimony).
3. On August 2, 2021, the appellant's application was denied for failing to submit verification of checking accounts, SC-1 admission form and level of care screening, property deed and proof of sale funds and social security deposits. (Exhibit 1).
4. The appellant's representative requested the record remain open until October 14, 2021, to submit the requested verifications. (Exhibit 4).
5. The appellant failed to submit any additional verification within the required time limit.

## **Analysis and Conclusions of Law**

On March 9, 2021, an application was submitted on the appellant's behalf for MassHealth long term care benefits. MassHealth requested verification to determine the appellant's eligibility. On August 2, 2021, the appellant's application was denied for failing to submit required verification to determine long term care eligibility. The appellant appealed the MassHealth action and at an

appeal on September 14, 2021, her representative requested the record remained open until October 14, 2021, to submit the requested information. Despite the additional time given at the hearing the appellant and/or her representative were unable to submit any documentation to determine the appellant's eligibility for MassHealth long term care.

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 and or her family have failed to provide the required verification to determined MassHealth eligibility; therefore, the appellant has 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.

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Brook Padgett  
Hearing Officer  
Board of Hearings

cc: MassHealth representative: Tewksbury MEC

[REDACTED]