

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision: Dismissed

Appeal Number: 2176329

Decision Date: 9/27/2021

Hearing Date: 09/21/2021

Hearing Officer: Marc Tonaszuck

Appearance for Appellant:




Appearance for MassHealth:

Jennifer Moreno, 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:	Dismissed	Issue:	Long Term Care
Decision Date:	9/27/2021	Hearing Date:	09/21/2021
MassHealth's Rep.:	Jennifer Moreno	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 07/23/2021, MassHealth informed the appellant that she was not eligible for Long Term Care (LTC) benefits because she did not provide the requested verifications within the required time frame (130 CMR 515.008; Exhibit 1). A timely appeal was filed on the appellant's behalf on 08/19/2021 (Exhibits 2). Denial of MassHealth benefits is valid grounds for appeal (130 CMR 610.032).

A fair hearing took place on 09/21/2021, at which time the MassHealth representative testified that the appellant applied for MassHealth long term care benefits on 01/19/2021, after having been admitted to the skilled nursing facility. MassHealth sent a request for verifications, seeking certain information and documentation necessary to establish her eligibility for MassHealth benefits. The information was not received by MassHealth by the due date and the denial notice was issued.

At hearing, the MassHealth representative testified that prior to the date of the fair hearing, all the missing verifications necessary to process the appellant's application for long term care benefits were received. On 09/20/2021, MassHealth issued an approval notice preserving the 01/19/2021 application date. The appellant's representative appeared at the fair hearing. She agreed that all necessary verifications were received by MassHealth; however, she sought to have the hearing officer address the start date for MassHealth

benefits. The hearing officer informed the appellant's representative that the approval notice can be appealed as to the issue of the MassHealth benefit start date. He further stated that he would not hear arguments regarding the start date issue.

The Fair Hearing regulation concerning Adjustment Procedures and Mediation is set forth at 130 CMR 610.051. Regulations at 130 CMR 610.051(B) states, in relevant part, as follows:

The Division may make an adjustment in the matters at issue before or during a hearing. If the parties agree that the adjustment resolves one or more of the issues in dispute, the hearing officer, by written order, will dismiss the appeal as to all resolved issues, noting as the reason for such dismissal that the parties have reached agreement.

MassHealth has reversed its initial denial based on a failure to provide verifications and subsequently approved the appellant's request for Long Term Care benefits, preserving the application date. As the MassHealth adjustment resolves the verifications issues in this case, MassHealth has approved the benefits, and the appellant has all appeal rights connected with the 09/20/2021 approval notice, this appeal is dismissed.

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
