

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2176819
Decision Date:	12/10/2021	Hearing Date:	10/14/2021
Hearing Officer:	Marc Tonaszuck		

Appearance for Appellant:




Appearance for MassHealth:

Jennifer Carroll, Taunton MEC



*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:	Eligibility
Decision Date:	12/10/2021	Hearing Date:	10/14/2021
MassHealth's Rep.:	Jennifer Carroll	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 08/31/2021, MassHealth informed the appellant, a nursing home resident, that her application for long-term care (LTC) benefits was approved with a benefit start date of 05/01/2021 (Exhibit 1). A request for a fair hearing was filed on behalf of the appellant in a timely manner. Appellant's representative, an authorized representative, filed this timely appeal on behalf of the appellant on 09/07/2021 (130 CMR 610.015(B); Exhibits 2 and 4). A benefit start date is valid grounds for appeal (130 CMR 610.032).

Action Taken by MassHealth

MassHealth approved Appellant's application LTC benefits with a benefit start date of 05/01/2021.

Issue

Did MassHealth correctly determine the benefit start date when it approved the appellant's application for LTC benefits?

Summary of Evidence

The MassHealth representative testified that the appellant was admitted to the skilled nursing facility in fall 2020. The appellant is seeking MassHealth benefits effective on 10/02/2020. Because she was already receiving MassHealth benefits in the community before her admission, a conversion application was necessary. A conversion is normally conducted by the nursing facility sending to MassHealth a status change form (SC-1), informing MassHealth that the applicant has been admitted to the skilled nursing facility. Under normal circumstances, MassHealth then sends out a conversion package, which is an application for LTC benefits. Among other things, the conversion package requests verification of financial eligibility for MassHealth benefits. When MassHealth receives the conversion package ("application"), it is processed for applicant eligibility.

In this case, MassHealth received an incomplete status change forms (SC-1) from the facility on 01/21/2021, on 01/26/2021 and on 02/05/2021. MassHealth was unable to send out a conversion package based on the information in the SC-1's. MassHealth finally received a complete conversion application on 08/13/2021. Pursuant to MassHealth rules, an application can be approved retroactively to the first day of the third month before the application is filed. In this case, MassHealth was able to approve the application for the earliest date possible, 05/01/2021 (Exhibits 1 and 4).

Appellant's representative, the business office manager from the skilled nursing facility testified that she is new to the MassHealth application process. She did not dispute the dates in question; however, she was seeking to have the appellant's eligibility made retroactive to 10/02/2020. The appeal representative testified that she thought she could not submit a conversion package to MassHealth without including all the financial information. In this case, she requested that the appellant's daughter access the appellant's information, including bank statements. The appeal representative testified that a request for bank statements was sent to the bank in March 2021; however, the bank statements were not received for some time after that. It was not until the appellant was able to call the bank in June 2021 when the facility was able to access the financial information. The conversion application was submitted to MassHealth when all bank statements had been received by the appellant's representative, in August 2021.

Findings of Fact

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

1. Appellant was admitted to a skilled nursing facility in fall 2020 (Testimony).
2. The appellant was receiving MassHealth prior to her admission as a member in the community.
3. The appellant is seeking MassHealth benefits effective on 10/02/2020.
4. On 01/21/2021, on 01/26/2021 and on 02/05/2021, the skilled nursing facility sent to MassHealth incomplete SC-1 forms (Testimony).
5. An application for MassHealth LTC benefits was submitted to MassHealth on 08/13/2021 (Testimony; Exhibit 4).
6. On 08/31/2021, MassHealth approved the appellant's application for LTC benefits with a benefit start date of 05/01/2021 (Testimony; Exhibit 1).

Analysis and Conclusions of Law

MassHealth may approve coverage retroactive only to the first day of the third month prior to the month of initial application if the individual would have been eligible at the time.

Regulations at 130 CMR 516.006 address coverage dates as follows:

(2) The begin date of MassHealth Standard, Family Assistance, or Limited coverage may be retroactive to the first day of the third calendar month before the month of application, if covered medical services were received during such period, and the applicant or member would have been eligible at the time services were provided. If more than one application has been submitted and not denied, the begin date will be based on the earliest application that is approved. Retroactive eligibility does not apply to services rendered under a home- and community-based services waiver provided under section 1915(c) of the Social Security Act.

Appellant was admitted to a skilled nursing facility in fall 2020. An application for LTC benefits was submitted to MassHealth on 08/13/2021. MassHealth approved the benefits effective on 05/01/2021. There was no dispute as to the date the application was submitted to MassHealth. Instead, the appellant's representative testified she was unfamiliar with the process and she believed that she could not submit the application until all financial records had been obtained.

MassHealth's benefit start date is supported by the facts in the hearing record, as found above, as well as the MassHealth regulations. I find no exception to the above regulation that allows MassHealth to make Appellant's coverage retroactive to any time beyond three months prior to the first day of the third calendar month before the month of application. Thus, using the date that the application was received by MassHealth, the earliest date that Appellant could be eligible for MassHealth LTC benefits would be 05/01/2021, the benefit start date in this case.

MassHealth correctly determined the benefit start date based on the appellant's application for LTC benefits. Accordingly, 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.

Marc Tonaszuck
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Dori Mathieu, Springfield MassHealth Enrollment Center,
88 Industry Avenue, Springfield, MA 01104

[REDACTED]