

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision: Denied

Appeal Number: 2176921

Decision Date: 11/10/2021

Hearing Date: 10/12/2021

Hearing Officer: Radha Tilva

Appearance for Appellant:



Appearance for MassHealth:

Elizabeth Rodriguez, Tewksbury MEC
Rep.



*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:	LTC - verifications
Decision Date:	11/10/2021	Hearing Date:	10/12/2021
MassHealth's Rep.:	Elizabeth Rodriguez	Appellant's Rep.:	
Hearing Location:	Tewksbury MassHealth Enrollment Center	Aid Pending:	No

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 May 26, 2021, MassHealth determined that appellant is eligible for MassHealth Standard benefits effective July 1, 2020 (Exhibit 1). The appellant filed this appeal in a timely manner on September 9, 2021 (see 130 CMR 610.015(B) and Exhibit 2). Denial of assistance is valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth approved appellant's MassHealth Standard benefits effective July 1, 2021.

Issue

The appeal issue is whether MassHealth was correct in determining the eligibility start date.

Summary of Evidence

The MassHealth representative stated that appellant applied for MassHealth long-term care benefits on August 10, 2020 and sought an eligibility start date of April 7, 2020. On August 21, 2020 MassHealth issued a request for information with a requested due date of September 20, 2020. On

September 29, 2020 a denial for failure to provide verifications was issued. On October 16, 2020 appellant submitted some verifications, but not all and a second information request issued on October 19, 2020. As MassHealth still did not have all of the necessary verifications a new denial issued on December 8, 2020.

Appellant appealed that notice and a hearing was held on February 11, 2021. Undisclosed accounts were discovered during the record open period and MassHealth was unable to make a determination due to lack of verifications. The record was closed and a second hearing regarding the same notice was scheduled for April 22, 2021. The remaining verifications were received on April 9, 2021 and a denial for excess assets was issued on that same date. The appellant withdrew the fair hearing request for the April 22, 2021 hearing. MassHealth issued an approval notice thereafter on May 26, 2021 following a spenddown of the assets provided by the appellant, honoring the October 16, 2020 reapplication date. The effective date for the appellant's long-term care benefits was July 1, 2020.

The appellant was represented by her Power of Attorney who testified that he sent some of the information by fax on September 18, 2020 and September 20, 2020 addressing the August 2020 verification request. In addition, the appellant stated that he did not know that he could appeal the September 29, 2020 notice. The September 29, 2020 notice states that the application for MassHealth was denied because you did not give us the information or proof we needed to decide if you are eligible for MassHealth and directs that appellant can either: "send us some of the needed information or proof within 30 days of the date on this notice (if you are eligible for MassHealth, the date we get the needed information or proof will be your reapplication date); or ask for a fair hearing if you want us to go back to your original application date" (Exhibit 9).

Findings of Fact

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

1. Appellant applied for MassHealth long-term care benefits on August 10, 2020 and sought an eligibility start date of April 7, 2020.
2. On August 21, 2020 MassHealth issued a request for information with a requested due date of September 20, 2020.
3. On September 29, 2020 a denial for failure to provide verifications was issued.
4. On October 16, 2020 appellant submitted some verifications, but not all and a second information request issued on October 19, 2020.
5. MassHealth issued a new denial on December 8, 2020.
6. Appellant appealed the December 8, 2020 denial notice and a hearing was held on February 11, 2021.

7. Appellant submitted the verifications on April 9, 2021 and a denial for excess assets issued.
8. MassHealth issued an approval notice thereafter on May 26, 2021 following a spenddown of the assets provided by the appellant, honoring the October 16, 2020 reapplication date. The effective date for the appellant's long-term care benefits was July 1, 2020.

Analysis and Conclusions of Law

Pursuant to 130 CMR 515.008 it is the responsibility of the applicant to cooperate with the MassHealth agency in providing information necessary to establish and maintain eligibility. The regulations allow for MassHealth to send the applicant a written request for all corroborative information necessary to determine eligibility (130 CMR 516.000(B)). The timeframe to return the requested verifications is 30 days from the date of the request (130 CMR 516.001(B)(2)). If the information is not received within 30 days, MassHealth benefits may be denied (130 CMR 516.001(C)).

MassHealth initially requested the information on August 21, 2020 with a requested due date of September 20, 2020. Though appellant's representative argues that he faxed some information of the information on September 18, 2020 and September 20, 2020 appellant has failed to provide proof of that. Furthermore, appellant has failed to demonstrate that he appealed the September 29, 2020 final denial notice that followed. The notice, as described in the analysis above, is clear that appellant can either submit information within 30 days and the date of receipt of the information will be the reapplication date or appellant can appeal the final denial notice. As appellant submitted some of the requested information on October 16, 2020 MassHealth is correct in using that date as the reapplication date. Pursuant to 130 CMR 516.006(A)(2) the earliest begin date for MassHealth Standard coverage is July 1, 2020 as MassHealth coverage can only go retroactive to the first day of the third calendar month before the month of application. Based on the analysis above 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.

Radha Tilva
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Sylvia Tiar, Tewksbury MassHealth Enrollment Center, 367 East Street, Tewksbury, MA 01876-1957

