

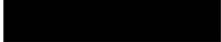
Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2177148
Decision Date:	12/13/2021	Hearing Date:	10/19/2021
Hearing Officer:	Cynthia Kopka	Record Open to:	12/6/2021

Appearance for Appellant:



Appearance for MassHealth:

Gloria Medeiros, Taunton



*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 eligibility – verifications
Decision Date:	12/13/2021	Hearing Date:	10/19/2021
MassHealth’s Rep.:	Gloria Medeiros	Appellant’s Rep.:	██████████
Hearing Location:	Taunton (remote)	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

By notice dated August 18, 2021, MassHealth denied Appellant's application for MassHealth long term care benefits because Appellant failed to submit required information. Exhibit 1. Appellant filed this appeal in a timely manner on September 17, 2021. Exhibit 2, 130 CMR 610.015(B). Denial of assistance is a valid basis for appeal. 130 CMR 610.032. The hearing record was held open through November 9, 2021 and extended to December 6, 2021 at request of Appellant’s representative. Exhibits 5-6.

Action Taken by MassHealth

MassHealth denied Appellant's application for MassHealth benefits because Appellant failed to submit required verifications.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 515.008, in denying Appellant’s application for failure to provide requested verifications.

Summary of Evidence

A MassHealth eligibility representative appeared by telephone and testified as follows. MassHealth received Appellant's application for long term care benefits on June 30, 2021 with a requested start date of March 31, 2021. MassHealth issued an information request on July 14, 2021. Exhibit 4. On August 18, 2021, MassHealth denied Appellant's application for failure to submit required information. Exhibit 1. MassHealth testified that the following information requested July 14, 2021 remained outstanding:

- A current pension stub;
- Verification of a life insurance policy; and
- Health insurance premium bill and a copy of the card.

The last item was not necessary for an eligibility determination, but for the correct calculation of the patient paid amount (PPA).

Appellant's representative testified that the process of providing verifications has been challenging as Appellant is deaf and her spouse is also applying for MassHealth long term care. Appellant's representative has requested the information from both the pension and life insurance institutions and was told the information was mailed the prior week. Appellant's representative requested that the hearing record be held open through November 9, 2021, with Appellant's deadline to submit November 2, 2021. Exhibit 5.

On October 28, 2021, Appellant's representative asked that the record open period be extended as the information had not yet been received. The extension was granted through December 6, 2021, with Appellant's deadline to submit November 29, 2021. Exhibit 6. On November 30, 2021, MassHealth reported that no additional information had been submitted. Appellant's representative explained that she continued to have trouble getting the information from the institutions but did not request an extension of the hearing record. Exhibit 7.

Findings of Fact

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

1. On June 30, 2021, MassHealth received Appellant's application for long term care benefits with a requested start date of March 31, 2021.
2. On July 14 2021, MassHealth issued a request for information to Appellant. Exhibit 4. Included in this request was:
 - A current pension stub;
 - Verification of a life insurance policy; and
 - Health insurance premium bill and a copy of the card.
3. On August 18, 2021, MassHealth denied Appellant's application for failure to submit required information. Exhibit 1.

4. Appellant filed this appeal on September 17, 2021. Exhibit 2.
5. To date, MassHealth has not received the pension stub, health insurance information, and life insurance verification. Exhibit 7.

Analysis and Conclusions of Law

An individual applying for MassHealth long term care benefits (or the individual's authorized representative) must submit a complete application and all required supplements. 130 CMR 516.001(A)(1). Pursuant to 130 CMR 515.008(A), an "applicant or member must cooperate with the MassHealth agency in providing information necessary to establish and maintain eligibility." After receiving an application for MassHealth benefits, MassHealth proceeds 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 the 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.

130 CMR 516.001(B). "If the requested information...is received [by MassHealth] within 30 days of the date of the request, the [application] is considered complete...If such information is not received within 30 days of the date of the request, MassHealth benefits may be denied" 130 CMR 516.001(C).

MassHealth received Appellant's application on June 30, 2021 and requested information on July 14, 2021. Appellant's representative was still unable to provide information requested in July 2021 by the November 29, 2021 record open deadline.

Appellant has not met the requirements of 130 CMR 515.008(A) and 130 CMR 516.001(C) by providing the corroborative information necessary for MassHealth to determine eligibility. Accordingly, the 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.

Cynthia Kopka
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Justine Ferreira, Taunton MassHealth Enrollment Center, 21 Spring St., Ste. 4, Taunton, MA 02780, 508-828-4616

