

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2177906
<b>Decision Date:</b>	11/30/2021	<b>Hearing Date:</b>	November 16, 2021
<b>Hearing Officer:</b>	Brook Padgett		

**Appellant Representative:**




**MassHealth Representative:**

Kelly Worthen, Springfield 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 520.026
<b>Decision Date:</b>	11/30/2021	<b>Hearing Date:</b>	November 16, 2021
<b>MassHealth Rep.:</b>	K. Worthen	<b>Appellant Rep.:</b>	
<b>Hearing Location:</b>	Springfield		

## 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 notice dated August 20, 2021 stating “MassHealth will change your Patient Paid Amount from \$0.00 to \$1,030.04 on September 01, 2021 because of a change in your circumstances”. (Exhibit 1).

The Appellant filed this appeal on October 14, 2021. (130 CMR 610.015(B); Exhibit 2).<sup>1</sup>

The calculation of the Patient Paid Amount (PPA) is valid grounds for appeal. (130 CMR 610.032).

## Action Taken by MassHealth

MassHealth calculated the Appellant’s PPA to be \$1,030.04.

## Issue

Was the PPA properly calculated and is the Appellant eligible for any addition PPA deductions?

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<sup>1</sup> The appeal was deemed timely, as the timeline to file an appeal of a MassHealth action was extended from the 30-days to 120 days due to the COVID.

## Summary of Evidence

MassHealth testified the Appellant entered the nursing facility in February 2021. In April 2021 MassHealth approved the Appellant for long term care benefits retroactive to March 25, 2021 with a PPA of \$0.00. MassHealth stated the Appellant has income of \$1,102.84 (Social Security income of \$969.00 and pensions of \$33.37 and \$100.57). After completion of the six-month home maintenance deduction from March 2021 through August 2021 the Appellant's PPA was recalculated to be \$1,030.04 (\$1,102.84 - \$72.80 personal need allowance (PNA)). MassHealth argued the Appellant is no longer eligible for the home maintenance deduction as there are no exceptions to the six-month time limit, as a result, the appellant's PPA was increased from \$0.00 to \$1,034.04.

The Appellant was represented by her daughter who testified the Appellant does not have her own home and has been living with her, however she intends to return. The Appellant's daughter argued the Appellant has a number of bills that still need to be paid such as life insurance, dental insurance, cell phone, clothing as well as caring for her dog. The representative stated the Appellant also has medical bills for her cardiologist and audiologist, in addition to transportation to these appointments.

MassHealth responded that the Appellant should submit any medical bills which concern appointments and coverage as they may be eligible for a monthly PPA deduction, but items such as dog care and cell phone are not eligible for any further deduction.

The Appellant's representative indicated she would submit medical receipts to MassHealth for review.

## Findings of Fact

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

1. The Appellant was admitted to a nursing facility in February 2021 and approved for long term care coverage beginning March 25, 2021. (Testimony).
2. Prior to admission the Appellant lived with her daughter and did not own a home. (Testimony)
3. The Appellant has income of \$1,102.84 (Social Security income of \$969.00 and pensions of \$33.37 and \$100.57). (Testimony).
4. The Appellant's PPA from March 25, 2021 to August 31, 2021 was calculated to be \$0.00. (Testimony).
5. ON August 20, 2021, the Appellant's PPA was recalculated to be \$1,030.04 (\$1,102.84 - \$72.80) beginning September 01, 2021. (Exhibit 1).

## Analysis and Conclusions of Law

MassHealth allows a deduction for maintenance of a home when a competent medical authority certifies in writing that a single individual, with no eligible dependents in the home, is likely to return home within six months after the month of admission. (130 CMR 520.026).<sup>2</sup> This income deduction terminates at the end of the sixth month after the month of admission regardless of the prognosis to return home at that time. (130 CMR 520.026).<sup>3</sup>

The Appellant was admitted to a nursing facility in February 2021 and was approved for MassHealth long term care beginning March 25, 2021. Although it is unclear why the Appellant received a home maintenance deduction as she did not own a home, MassHealth nevertheless granted the Appellant a home maintenance deduction for the maximum allowable six months (March – August). While the hearing officer is aware that the Appellant has additional bills beyond medical services, the regulations provide no discretion with regard to bills such as cell phone, insurance, and dog care and therefore MassHealth correctly calculated the Appellant's PPA and this appeal must be 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: Springfield MEC

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<sup>2</sup> Long-Term-Care General Income Deductions General income deductions are taken in the following order: personal needs allowance; spousal-maintenance-needs allowance; family-maintenance-needs allowance; home-maintenance allowance; health-care coverage and incurred medical and remedial-care expenses.

<sup>3</sup> Long-Term-Care General Income Deductions (D) Deductions for Maintenance of a Former Home (1) The MassHealth **allows a deduction for maintenance of a home** when a competent medical authority certifies in writing that a single individual, with no eligible dependents in the home, is likely to return home within six months after the month of admission. **This income deduction terminates at the end of the sixth month after the month of admission regardless of the prognosis to return home at that time.** (*Emphasis added*).

Appellant representative

