

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2179427
Decision Date:	3/03/2022	Hearing Date:	02/18/2022
Hearing Officer:	Christine Therrien		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Jernice Diaz, 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:	PPA
Decision Date:	3/03/2022	Hearing Date:	02/18/2022
MassHealth's Rep.:	Jernice Diaz	Appellant's Rep.:	Pro se
Hearing Location:	All parties appeared by phone		

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 11/22/21, MassHealth changed the appellant's patient paid (PPA) amount from \$77.20 a month to \$1,151.20 a month beginning on 12/1/21 (130 CMR 520.026 and Exhibit 1). The appellant filed this appeal in a timely manner on 12/15/21 (130 CMR 610.015(B) and Exhibit 2). A change in PPA is valid grounds for appeal (130 CMR 610.032).

Action Taken by MassHealth

MassHealth changed the appellant's PPA from \$77.20 a month to \$1,151.20 beginning on 12/1/21.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 520.025, in determining that appellant's PPA is \$1,151.20.

Summary of Evidence

The MassHealth representative testified that the appellant who was admitted to a nursing facility in [REDACTED] was converted from short-term to long-term on 12/1/21. The MassHealth representative testified that the appellant's PPA was changed from \$77.20 a month to \$1,151.20 beginning on 12/1/21 (Exhibit 1). The MassHealth representative testified that the appellant was previously given a short-term

allowance which ended after the appellant was in the facility for six months. The MassHealth representative testified that when a member is converted from short-term to long-term the short-term allowance is no longer granted. The MassHealth representative testified that MassHealth calculated the PPA by taking the appellant's income of \$1,224 from social security and then deducting any allowances the appellant qualifies for.¹ The MassHealth representative testified that the appellant qualifies for the standard personal needs allowance of \$72.80 for a total PPA of \$1,151.20.

The appellant testified that he understood how the PPA was calculated, but he felt that he received poor treatment in the facility and his physical therapy was ended early so he would like a refund. The appellant was advised that if he had an issue with the facility, he should speak to the Long-Term Care Ombudsman. The appellant testified that he had called the Ombudsman and left a message. Additionally, the appellant testified that he was discharged from the facility for a three day stay in the hospital around 1/1/22. The appellant testified that he received another screening that indicated he was clinically eligible for a short-term stay until 3/2/22. The appellant stated that he received poor care at the facility which is why he had to go to the hospital.

The MassHealth representative testified that when a LTC facility resident is discharged and then readmitted a new screen is completed. The MassHealth representative testified that since the appellant was not discharged to home for more than 30 days, he will remain classified as long-term for the PPA purposes.

Findings of Fact

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

1. The appellant was admitted to a nursing facility in [REDACTED]
2. After six months the appellant was converted from short-term to long-term on 12/1/21.
3. The appellant's PPA was changed from \$77.20 a month to \$1,151.20 beginning on 12/1/21 (Exhibit 1).
4. The appellant was previously given a short-term allowance which ended after the appellant was in the facility for six months.
5. The short-term allowance is no longer granted when a member is converted from short-term to long-term.
6. MassHealth calculated the PPA by taking the appellant's income of \$1,224 from social security and then deducting any allowances the appellant qualifies for.
7. The appellant qualifies for the standard personal needs allowance of \$72.80 for a total PPA of \$1,151.20.

¹ The appellant's social security income increased in 2022 therefore his PPA amount for 2022 will change accordingly.

Analysis and Conclusions of Law

Once an individual has been determined a LTC facility resident MassHealth will establish a Patient-Paid Amount which is the amount that a member in a long-term care facility must contribute to the cost of care under the laws of the Commonwealth of Massachusetts.

130 CMR 520.026: Long-Term-Care General Income Deductions

General income deductions must be taken in the following order:

- (A) personal needs allowance (\$72.80 a month);
- (B) spousal-maintenance-needs allowance;
- (C) family-maintenance-needs allowance for qualified family members;
- (D) home-maintenance allowance;
- (E) health-care coverage and incurred medical and remedial-care expenses.

The appellant, who entered the NF in [REDACTED], was converted from short-term care to long-term on 12/1/21 after he was in the facility for six months. MassHealth has established a new PPA based on this change in status. MassHealth was correct in determining the appellant's PPA based on his social security income of \$1,224 and his personal needs allowance of \$72.80 a month. For this reason 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.

Christine Therrien
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Justine Ferreira, Taunton MassHealth Enrollment Center.