

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2179737
<b>Decision Date:</b>	02/03/2022	<b>Hearing Date:</b>	01/20/2022
<b>Hearing Officer:</b>	Rebecca Brochstein		

**Appearances for Appellant:**



**Appearances for MassHealth:**

Kathy Murphy, Chelsea MEC



*Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Office of Medicaid  
Board of Hearings  
100 Hancock Street  
Quincy, MA 02171*

# APPEAL DECISION

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	Long-Term Care / Patient-Paid Amount
<b>Decision Date:</b>	02/03/2022	<b>Hearing Date:</b>	01/20/2022
<b>MassHealth's Rep.:</b>	Kathy Murphy, Chelsea MEC	<b>Appellant's Rep.:</b>	Pro se
<b>Hearing Location:</b>	Board of Hearings (Remote)		

## Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapters 118E and 30A, and the rules and regulations promulgated thereunder.

## Jurisdiction

By a notice dated December 14, 2021, MassHealth notified the appellant that his patient-paid amount (PPA) would increase from \$520.20 to \$555.20 as of January 1, 2022, because of a change in his circumstances (Exhibit 1). The appellant filed a timely appeal on December 27, 2021 (130 CMR 610.015; Exhibit 2). A change in a member's PPA is a valid basis for appeal (130 CMR 610.032).

## Action Taken by MassHealth

MassHealth notified the appellant that his PPA would increase from \$520.20 to \$555.20 as of January 1, 2022.

## Issue

The issue on appeal is whether MassHealth correctly calculated the appellant's PPA.

## **Summary of Evidence**

A representative from the Chelsea MassHealth Enrollment Center appeared at the hearing telephonically and testified as follows: The appellant is a resident of a long-term care facility. He was previously approved for MassHealth coverage of his stay at the facility, and has had a patient-paid amount (PPA) since November 2021. On December 14, 2021, MassHealth determined that the appellant's PPA would increase from \$520.20 to \$555.20 as of January 1, 2022. The reason for the change is the appellant received a cost-of-living increase to his income as of that date. She testified that MassHealth calculated the PPA by taking his total income of \$628.00 and deducting a personal needs allowance of \$72.80. The remaining \$555.20 is what he owes to the facility each month.

The appellant appeared at the hearing telephonically and testified on his own behalf. He complained that people at the facility have been keeping his check each month and "putting the money in their pocket" or using it to buy drugs. He stated that he has no funds to pay for his own cigarettes or take-out orders. He expressed anger that facility employees are stealing the money that is due to him.

In response, the MassHealth representative explained that the facility is receiving his check each month and applying \$555.20 of the funds toward his patient-paid amount, which is the portion of the facility's bill that he is responsible for paying each month. She stated that he is entitled to keep \$78.20 of his income each month for his personal needs, and that he should talk to someone at the facility if he is not getting access to those funds.

## **Findings of Fact**

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

1. The appellant was previously approved for MassHealth long-term care coverage. He was assessed a patient-paid amount (PPA) beginning in November 2021.
2. On December 14, 2021, MassHealth notified the appellant that his PPA would increase from \$520.20 to \$555.20 as of January 1, 2022. The reason for the change is the appellant received a cost-of-living increase to his income as of that date.
3. MassHealth calculated the PPA by taking the appellant's gross income of \$628.00 and deducting a personal needs allowance of \$78.20.
4. There is no evidence the appellant is entitled to any other deductions from his PPA.
5. On December 27, 2021, the appellant filed a timely appeal of the notice.

## **Analysis and Conclusions of Law**

The issue in this appeal is whether MassHealth correctly calculated a change in the appellant's patient-paid amount. PPA deductions are listed at 130 CMR 520.026, which states that "[g]eneral income deductions must be taken in the following order: a personal-needs allowance; a spousal-maintenance-needs allowance; a family-maintenance-needs allowance for qualified family members; a home-maintenance allowance; and health-care coverage and incurred medical and remedial-care expenses."

MassHealth allowed the standard \$78.20 deduction for a personal needs allowance – a figure that is set by regulation – but found that he was not eligible for any of the other income deductions listed above. See 130 CMR 520.025 and 520.026. Based on the information in the record, this determination was correct. The appellant has not alleged that he is entitled to any of the other specific deductions identified in 130 CMR 520.026, nor is there evidence of such in the record. The PPA was therefore correctly set at \$555.20.<sup>1</sup>

As there was no error in MassHealth's determination, 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.

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Rebecca Brochstein  
Hearing Officer  
Board of Hearings

cc: Chelsea MEC

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<sup>1</sup> The appellant's allegation that he has not been given access to his personal needs allowance of \$72.80 is beyond the scope of this appeal.