

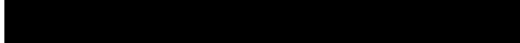
Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2200678
Decision Date:	4/5/2022	Hearing Date:	02/25/2022
Hearing Officer:	Casey Groff	Record Open to:	03/29/2022

Appearance for Appellant:



Appearance for MassHealth:

Jessica Adamiec, Eligibility Representative,
Taunton MEC



*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:	Eligibility; Verifications
Decision Date:	4/5/2022	Hearing Date:	02/25/2022
MassHealth's Rep.:	Jessica Adamiec	Appellant's Rep.:	
Hearing Location:	Board of Hearings (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

Through a notice dated December 27, 2021, MassHealth notified Appellant that he was not eligible for MassHealth long-term-care benefits because he did not submit the required verifications within the allotted time frame. See Exhibit 1, p. 2; 130 CMR 515.008. Appellant, through his Health Care Proxy (HCP), filed this appeal in a timely manner on January 26, 2022. See Exhibit 1, p. 1; 130 CMR 610.015(B). Denial of assistance is a valid ground for appeal. See 130 CMR 610.032. A hearing was conducted on February 25, 2022. See Exhibit 2. The record was left open until March 29, 2022 for Appellant to submit additional evidence. See Exhibits 4 and 5.

Action Taken by MassHealth

MassHealth notified Appellant that that he was not eligible for MassHealth benefits because he did not submit required verifications within the allotted time frame.

Issue

The appeal issue is whether MassHealth was correct in denying Appellant's application for MassHealth long-term-care benefits.

Summary of Evidence

A MassHealth eligibility representative appeared at the hearing via telephone and testified as follows: On October 29, 2021, MassHealth received a long-term care application on behalf of Appellant seeking a benefit start date of October 17, 2021. See Exh. 3. Upon receipt of the application, MassHealth sent Appellant a “request for information,” (RFI) which sought documentation to verify Appellant’s financial eligibility for MassHealth benefits, including bank account statements, life insurance policies, and a private pension statement showing gross, net and any deductions. See Exh. 3, p. 6. The RFI informed Appellant that he had 30-days to send MassHealth the required documentation. On December 27, 2021, MassHealth notified Appellant that it denied his application because it did not receive all the requested verifications by the 30-day deadline. See Exh. 3, p. 4-6. The MassHealth representative testified that the only outstanding item was Appellant’s private pension statement showing his gross net income and any deductions. All other items had been received.

Appellant’s Health Care Proxy (HCP) appeared on behalf of Appellant and testified, via telephone, as follows: Because Appellant is currently unable to request the information himself, she has been attempting to obtain it on his behalf. Appellant’s HCP was activated on November 5, 2021. See Exh. 1, p. 4. She has contacted the company through where Appellant’s pension comes from; however, they would not speak to her until they had all her HCP paperwork. She just faxed the company her HCP papers overnight. That fax is in process and once they verify her HCP status, only then can she request the pension information. Accordingly, Appellant requested additional time to obtain these documents.

Appellant’s request was granted, and the record was held open until March 11, 2022 to provide the remaining verification. See Exh. 3. On March 18, 2022, MassHealth reported that it had not received any information from Appellant. The record was held open an additional two-weeks to March 29, 2022 to allow Appellant additional time. At the conclusion of the record-open period, MassHealth affirmed that it still had not received the outstanding information. Appellant’s HCP did not contact BOH to request an extension of the record open period.

Findings of Fact

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

1. On October 29, 2021, MassHealth received a long-term care application on behalf of Appellant seeking a benefit start date of October 17, 2021. (Testimony; Exh. 3).
2. Upon receipt of the application, MassHealth sent Appellant a “request for information” (RFI), which informed Appellant that he had 30-days from the date of notice to send MassHealth verification of financial eligibility factors, including bank account statements, life insurance policies, and a private pension statement showing gross, net and any deductions. (Testimony; Exh. 3, p. 6).

3. On December 27, 2021, MassHealth notified Appellant that it denied his Application because it did not receive Appellant's private pension statement, which was needed to determine Appellant's financial eligibility for MassHealth benefits. (Testimony; Exh. 3, pp. 4-6).
4. Appellant's HCP requested additional time to obtain the pension information. (Testimony).
5. The hearing record remained open until March 29, 2022 for Appellant to submit the outstanding information. (Exhibits 4-5).
6. Appellant did not submit the outstanding verification within the record open deadline. (Exhibit 5).
7. Appellant did not request a further extension of the record open period.

Analysis and Conclusions of Law

Once an application for MassHealth long-term-care benefits has been submitted, the MassHealth agency requests all corroborative information necessary to determine eligibility. See 130 CMR 516.001. 130 CMR 516.001(B) provides the following with respect to corroborative information:

- (1) The MassHealth agency sends the applicant written notification requesting the corroborative information generally within five days of 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(C) sets forth the process regarding the receipt of corroborative information, and provides as follows:

If the requested information, with the exception of verification of citizenship, identity, and immigration status, is received within 30 days of the date of the request, the application is considered complete. The MassHealth agency will determine the coverage type providing the most comprehensive medical benefits for which the applicant is eligible. If such information is not received within 30 days of the date of the request, MassHealth benefits may be denied.

- (1) If the requested information is received within 30 days of the date of the denial, the date of receipt of one or more of the verifications is considered the date of reapplication.
- (2) The date of reapplication replaces the date of the denied application. The applicant's earliest date of eligibility for MassHealth is based on the date of reapplication.

(3) If a reapplication is subsequently denied and not appealed, the applicant must submit a new application to pursue eligibility for MassHealth. The earliest date of eligibility for MassHealth is based on the date of the new application.

In the present case, Appellant was granted a post-hearing record open period to produce the outstanding information. Despite the additional time, Appellant did not submit proof of the requested pension information. Therefore, the action taken by MassHealth was within the regulations. See 130 CMR 516.001.

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.

Casey Groff
Hearing Officer
Board of Hearings

cc:

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

Appellant Representative: [REDACTED]