

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision: DENIED

Appeal Number: 2200739

Decision Date: 4/29/22

Hearing Date: 03/04/2022

Hearing Officer: Kenneth Brodzinski

Appearance for Appellant:

Pro se

Appearance for MassHealth:

Jennifer Carroll – 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:	PPA
Decision Date:	4/29/22	Hearing Date:	03/04/2022
MassHealth's Rep.:	Jennifer Carrol	Appellant's Rep.:	Pro se
Hearing Location:	Springfield MEC		

Authority

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

Jurisdiction

Through notice dated December 30, 2021 MassHealth informed Appellant that it was raising his Patient Paid Amount ("PPA") as of January 1, 2022 (Exhibit A). Appellant filed this appeal in a timely manner on January 13, 2022 (Exhibit A). Determining a PPA constitutes valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth raised Appellant's PPA effective January 1, 2022.

Issue

The appeal issue is whether MassHealth properly applied the controlling regulation(s) to accurate facts when it raised Appellant's PPA effective January 1, 2022.

Summary of Evidence

Both parties appeared by telephone

The MassHealth representative testified that the subject notice of December 30, 2021 informed Appellant that as of January 1, 2022 his Patient Paid Amount (PPA) would be increased from \$606.20 to \$646.20. The MassHealth representative testified that this change occurred because of the annual increase in Appellant's monthly Social Security retirement benefit. The MassHealth representative testified that as of January 1, 2022, Appellant's gross monthly Social Security is \$719.00. The only allowable deduction is the standard monthly Personal Needs Allowance of \$72.80 leaving a net countable income of \$646.20. This is the amount that Appellant must pay to the nursing facility each month and is called the Patient Paid Amount (PPA).

Appellant did not dispute the amount of his Social Security retirement benefit. Appellant discussed his medical condition and how he has to use some of his own funds to buy clothes, cleaning materials and food. Appellant explained that he has no teeth and is unable to eat most of the food provided by the facility; therefore, he buys food from Amazon. He also explained that he had lung cancer and cannot tolerate any dust or an unclean environment; therefore, he buys his own cleaning supplies.

Appellant expressed various complaints with the nursing facility and stated that the situation has only worsened during the Covid pandemic.

Appellant further testified that he recently started receiving notices from the facility about an arrearage that he must pay. Appellant testified that he did not know where the arrearage came from and asserted his inability to pay it. He stated that nursing home staff have told him more than once that he has to pay the arrearage or leave the facility.

In response, the MassHealth representative explained that when Appellant's MassHealth Long Term Care Application was approved, coverage was backdated to start on July 1, 2021 and that is when the first monthly PPA became due. She explained this is probably the source of the arrearage that accumulated during the application process.

For Appellant's benefit, the hearing officer explained to Appellant that the failure to pay a valid bill to the nursing facility could constitute valid grounds for discharge, but the facility would have to first provide him with proper written notice which he could then appeal and explain his situation. It was also explained to Appellant that even if the nursing home were successful on such an appeal, it would still be legally obligated to effectuate a safe and proper discharge. This would likely be to another nursing home since Appellant has already been deemed both clinically and financially eligible for MassHealth to pay for his care in a skilled nursing facility.

Findings of Fact

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

1. MassHealth increased Appellant's PPA as of January 1, 2022 from \$606.20 to \$646.20.
2. MassHealth based the increase on the annual increase in Appellant's monthly Social Security retirement benefit.
3. As of January 1, 2022, Appellant's gross monthly Social Security is \$719.00.
4. The only allowable deduction is the standard monthly Personal Needs Allowance of \$72.80 leaving the net countable income of \$646.20.

Analysis and Conclusions of Law

"The burden of proof is on the appealing party to show that the order appealed from is invalid, and we have observed that this burden is heavy (*Massachusetts Inst. of Tech. v. Department of Pub. Utils.*, 425 Mass. 856, 867, 684 N.E.2d 585 (1997)).

On this record, Appellant has failed to meet his burden. Appellant did not dispute his gross social security income or the applicable deductions. At hearing, Appellant was most concerned with an apparent arrearage and his ability to remain at the facility. While not germane to the salient issue, these matters were discussed and explained for Appellant's informational benefit as described above.

I find no error in MassHealth's PPA calculation or any evidence that Additional PPA deductions apply (See, 130 CMR 520.026). For the foregoing reasons, 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.

Kenneth Brodzinski
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Dori Mathieu, Springfield MassHealth Enrollment Center,
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