

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Approved	Appeal Number:	2201363
Decision Date:	5/09/2022	Hearing Date:	03/21/2022
Hearing Officer:	Patricia Mullen	Record Open to:	05/06/2022

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Kelly Souza, 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:	Approved	Issue:	Assets
Decision Date:	5/09/2022	Hearing Date:	03/21/2022
MassHealth's Rep.:	Kelly Souza, Taunton MEC	Appellant's Rep.:	Pro se
Hearing Location:	Taunton MassHealth Enrollment Center		

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 February 16, 2022, MassHealth denied the appellant's application for MassHealth benefits because MassHealth determined that the appellant's assets exceed the limit for MassHealth. (see 130 CMR 520.003 and Exhibit 1). The appellant filed this appeal in a timely manner on February 19, 2022. (see 130 CMR 610.015(B) and Exhibit 2). Denial of assistance is valid grounds for appeal. (see 130 CMR 610.032). By notice dated March 18, 2022, MassHealth approved the appellant's application for MassHealth Standard with a start date of January 1, 2022. (Exhibit 7). At the hearing, the appellant stated that she is seeking a start date of September 1, 2021.

Action Taken by MassHealth

MassHealth approved the appellant's application for MassHealth Standard with a start date of January 1, 2022.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 520.003; 516.005, in determining that the start date for the appellant's MassHealth Standard coverage is January 1, 2022.

Summary of Evidence

The appellant appeared telephonically at the hearing. MassHealth was represented telephonically by a worker from the MassHealth Enrollment Center (MEC) in Taunton. The MassHealth representative stated that the appellant submitted an application for MassHealth Standard for community residents aged 65 and older on October 18, 2021. The appellant lives in a one person household. (Testimony). A request for information was sent to the appellant on November 2, 2021. (Testimony). The MassHealth representative stated that the appellant's application was denied by notice dated February 14, 2022, because her assets exceeded the MassHealth limit of \$2,000.00. The MassHealth representative stated that the appellant has an IRA with a balance of \$20,983.83. (Exhibit 1). The MassHealth representative testified that the appellant submitted a letter dated January 31, 2022 from the bank holding the appellant's IRA, which stated that a required minimum distribution would be made in 2022. (Exhibit 3). The MassHealth representative testified that because the IRA has a required minimum distribution for 2022, the IRA is not countable for 2022 and the appellant was determined eligible for MassHealth Standard with a start date of January 1, 2022. The MassHealth representative stated that the appellant is seeking a September 1, 2021 MassHealth start date.

The appellant stated that she understands that she has been approved for MassHealth with a start date of January 1, 2022, but needs an earlier start date due to surgery she had in October, 2021. The appellant stated that she had a required minimum distribution from her IRA in 2021 but needed time to find the paperwork to show this. The appellant noted that her IRA was transferred from her previous bank to the current bank in October, 2021, and prior to that was transferred from one institution to another in July, 2021. The MassHealth representative stated that MassHealth needs to see that income came out of the IRA in 2021 in order for the asset to be deemed non-countable in 2021.

The record was left open until April 21, 2022 and later extended to April 29, 2022 and May 6, 2022, to give the appellant the opportunity to submit statements from the institution which held the IRA in 2021, showing distributions of income in 2021. (Exhibits 6-12). By email dated April 13, 2022, the appellant submitted screenshots of withdrawals, but such did not have the appellant's name or the institution name or account numbers. (Exhibit 8). The record open was extended to April 29, 2022. (Exhibit 8). By email dated April 27, 2022, the appellant reported that the institution indicated it would provide documentation in 5 days. (Exhibit 9). The hearing officer extended the record open period to May 6, 2022. (Exhibit 10). On May 2, 2022, the appellant submitted a statement from the institution which previously held the appellant's IRA, showing a distribution from the IRA on July 28, 2021. (Exhibit 10, p. 4). By email dated May 3, 2022, the MassHealth representative reported "[t]his is all set. I have printed the documentation and processed it so that it will be in the permanent record. [The appellant] will have FEW (waiver services-Standard) from 1/1/22 on." (Exhibit 11). By email dated May 3, 2022, the appellant noted that she had already been approved for MassHealth Standard and the appeal was to get coverage back to cover her October, 2021 surgery. (Exhibit 12). The hearing officer noted that the appellant was correct and asked the MassHealth representative if the application could now be approved retroactive to September 1, 2021 as indicated at the hearing. (Exhibit 12). By email dated May 5, 2022, the MassHealth representative stated that she would check with her supervisor. (Exhibit 13). The MassHealth representative did not report that she would approve the application retroactively.

Findings of Fact

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

1. The appellant submitted an application for MassHealth Standard for community residents aged 65 and older on October 18, 2021.
2. The appellant is over age 65 and lives in a one person household.
3. The appellant's application was denied by notice dated February 14, 2022, based on a MassHealth determination that the assets exceeded the MassHealth limit of \$2,000.00.
4. The appellant was determined eligible for MassHealth Standard with a start date of January 1, 2022 after submitting a letter from her IRA institution stating that she had a required distribution in 2022.
5. The appellant is seeking a September 1, 2021 MassHealth start date.
6. The MassHealth representative testified that MassHealth needed evidence that the appellant had a required distribution from her IRA in 2021 in order for the asset to be deemed non-countable for 2021.
7. During a record open period, the appellant submitted a statement from the institution which previously held the appellant's IRA, showing a distribution from the IRA on July 28, 2021.
8. By email dated May 3, 2022, the MassHealth representative reported "[t]his is all set. I have printed the documentation and processed it so that it will be in the permanent record. [The appellant] will have FEW (waiver services-Standard) from 1/1/22 on."

Analysis and Conclusions of Law

The total value of countable assets owned by or available to individuals applying for or receiving MassHealth Standard, Family Assistance, or Limited may not exceed the following limits: (1) for an individual — \$2,000. (130 CMR 520.003(A)(1).

The begin date of MassHealth Standard, Family Assistance, or Limited coverage may be retroactive to the first day of the third calendar month before the month of application, if covered medical services were received during such period, and the applicant or member would have been eligible at the time services were provided. If more than one application has been submitted and not denied, the begin date will be based on the earliest application that is approved. Retroactive eligibility does not apply to services rendered under a home- and community-based services waiver provided under section 1915(c) of the Social Security Act.

(130 CMR 516.006(A)(2)).

Based on the appellant's October 18, 2021 application, MassHealth determined the appellant was eligible for MassHealth Standard for persons aged 65 and older, with a start date of January 1, 2022 because the appellant verified that she would receive a required distribution from her IRA in 2022. MassHealth requested documentation showing that the appellant had a required distribution from the IRA in 2021 in order to approve the MassHealth retroactive to September 1, 2021. The appellant submitted documentation that she had a distribution of income from her IRA in July, 2021 and MassHealth accepted this documentation. The MassHealth representative did not approve the application retroactive to the requested start date of September 1, 2021.

Pursuant to 130 CMR 516.006(A)(2), the appellant's October 18, 2021 application could be approved retroactive to the requested start date of September 1, 2021. The appellant's October 18, 2021 application was approved with a start date of January 1, 2022 and the appellant submitted evidence that the IRA should not be counted in 2021; a fact that MassHealth did not dispute. Accordingly, the appellant's MassHealth start date shall be adjusted and MassHealth Standard is approved retroactive to September 1, 2021. The appeal is approved.

Order for MassHealth

Modify the notice dated March 18, 2022 and approve MassHealth Standard retroactive to September 1, 2021.

Implementation of this Decision

If this decision is not implemented within 30 days after the date of this decision, you should contact your MassHealth Enrollment Center. If you experience problems with the implementation of this decision, you should report this in writing to the Director of the Board of Hearings, at the address on the first page of this decision.

Patricia Mullen
Hearing Officer
Board of Hearings

cc: MassHealth Representative: Justine Ferreira, Taunton MassHealth Enrollment Center