

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision: DENIED

Appeal Number: 2201554

Decision Date: 6/1/2022

Hearing Date: 04/01/2022

Hearing Officer: Kenneth Brodzinski

Appearance for Appellant:

Pro se

Appearance for MassHealth:

Christopher Champagne – Springfield
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:	CSRA
Decision Date:	6/1/2022	Hearing Date:	04/01/2022
MassHealth's Rep.:	Christopher Champagne	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 February 16, 2022, MassHealth informed Appellant that it was raising his Patient Paid Amount ("PPA") as of February 1, 2022 (Exhibit A). Appellant filed for an appeal in a timely manner on March 2, 2022 (Exhibit A). Determining a PPA constitutes valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth determined a new PPA as of February 1, 2022.

Issue

The appeal issue is whether MassHealth has correctly calculated Appellant's PPA as of February 1, 2022.

Summary of Evidence

Both parties appeared by telephone.

The MassHealth representative testified that he contacted Appellant prior to the hearing and reviewed the applicable income figures, deductions, the Patient Paid Amount (PPA) and Community Spouse Maintenance Needs Deduction (SMND) calculations with him. Appellant agreed with all the figures, but maintains that his wife who resides in the community (the Community Spouse “CS”) needs more of his income to meet her expenses.

Appellant confirmed that he did not dispute the figures used by MassHealth or the accuracy of its calculations. Appellant argued, however, that the calculations (which apply certain federal standards and limits) does not reflect the CS’s actual living expenses. Appellant called the calculation a “hypothetical formula”. Appellant also noted the rise in living expenses and the fact that hyperinflation is making it difficult for the CS to maintain herself in the community with the amount of joint income MassHealth is allowing her to retain. Appellant asked for a reduction in the PPA so that his wife may receive more income through the SMND.

The Hearing Officer reviewed the “exceptional circumstances” regulation with Appellant, but Appellant denied that any such circumstances apply.

Findings of Fact

Based on a preponderance of the evidence, this record supports the following findings:

1. Appellant receives MassHealth Long term Care benefits as he resides in a long-term care facility.
2. Appellant’s wife (the CS) resides in the community.
3. In calculating the PPA, MassHealth also calculated the amount of the joint income that the CS may keep (the SMND).
4. Appellant does not dispute the accuracy of the figures MassHealth used in the calculations.
5. Appellant denies that any “exceptional circumstances” as defined by regulation currently apply.

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)).

Appellant has not met his burden. Appellant offered no evidence that MassHealth had miscalculated the SMND or his PPA. Appellant is correct that certain elements of the calculations use standardized amounts, but these are set by regulation and are uniformly applied to all members (See, 130 CMR 520.017 and 520.026). The only exception to the standard calculation is the "exceptional circumstances" provision set forth at 130 CMR 520.017(D). During the hearing, these circumstances were reviewed with Appellant who acknowledged that currently, none apply.

On this record, there is no basis in fact or law to disturb the subject MassHealth determination. 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.

Kenneth Brodzinski
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Dori Mathieu, Springfield MassHealth Enrollment Center,
88 Industry Avenue, Springfield, MA 01104, 413-785-4186