

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Dismissed	<b>Appeal Number:</b>	2202735
<b>Decision Date:</b>	6/1/2022	<b>Hearing Date:</b>	05/10/2022
<b>Hearing Officer:</b>	Alexandra Shube	<b>Record Open to:</b>	05/24/2022

**Appearance for Appellant:**

*Via telephone:*



**Appearance for MassHealth:**

*Via telephone:*

Evelyn Daniel, 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

<b>Appeal Decision:</b>	Dismissed	<b>Issue:</b>	LTC Eligibility – Verifications
<b>Decision Date:</b>	6/1/2022	<b>Hearing Date:</b>	05/10/2022
<b>MassHealth’s Rep.:</b>	Evelyn Daniel	<b>Appellant’s Rep.:</b>	[REDACTED]
<b>Hearing Location:</b>	Springfield MassHealth Enrollment Center	<b>Aid Pending:</b>	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 March 29, 2022, MassHealth denied the appellant's application for MassHealth benefits because MassHealth determined that the appellant failed to submit verifications in a timely manner (see 130 CMR 516.001 and Exhibit 1). The appellant filed this appeal in a timely manner on April 12, 2022 (see 130 CMR 610.015(B) and Exhibit 2). Denial of assistance is valid grounds for appeal (see 130 CMR 610.032).

The record in this appeal was held open until May 17, 2022 for the appellant to submit the missing verifications and until May 24, 2022 for MassHealth to review and respond to the appellant's submission. The record closed on May 24, 2022 with MassHealth's response.

## Action Taken by MassHealth

MassHealth denied the appellant's application for MassHealth benefits for failure to submit requested verifications in a timely manner.

## **Issue**

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 516.001, in determining that the appellant failed to submit requested verifications in a timely manner.

## **Summary of Evidence**

The MassHealth representative appeared at hearing via telephone and testified as follows: the appellant is over the age of 65 and a resident of a nursing facility. On February 16, 2022, MassHealth received a long-term care application on behalf of the appellant, requesting a start date of January 28, 2022. On February 22, 2022, MassHealth issued a request for information. On March 29, 2022, MassHealth issued a denial for failure to submit verifications. As of hearing, the only outstanding verification was a statement from the trustee listing all the assets currently in the trust.

The appellant's representative appeared via telephone and testified that she believed the documents submitted were sufficient to show the assets are still in the trust. MassHealth, however, required the representation stated from the trustee. The record was held open until May 17, 2022 for the appellant to submit the missing verification. MassHealth was given until May 24, 2022 to review and respond to the appellant's submission.

On May 17, 2022, the appellant submitted the requested statement from the trustee. On May 24, 2022, MassHealth confirmed that it had received all the requested verifications needed to process the case and issue a new determination honoring the original application date.

## **Findings of Fact**

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

1. The appellant is over the age of 65 and a resident of a nursing facility (Testimony and Exhibit 4).
2. On February 16, 2022, MassHealth received a long-term care application on behalf of the appellant (Testimony and Exhibit 5).
3. On February 22, 2022, MassHealth issued a request for information, but did not receive all the requested verifications and issued a denial notice on March 29, 2022 (Testimony and Exhibits 1 and 5).
4. The appellant timely appealed the denial notice on April 12, 2022 (Exhibit 2).
5. As of hearing, the only outstanding verification was a statement from the trustee listing all the assets currently in the trust (Testimony).

6. The record was held open until May 17, 2022 for the appellant to submit the missing verification. MassHealth was given until May 24, 2022 to review and respond to the appellant's submission. (Exhibit 7).
7. On May 17, 2022, the appellant submitted the requested statement from the trustee. On May 24, 2022, MassHealth confirmed that it had received all the requested verifications. (Exhibit 8).

## **Analysis and Conclusions of Law**

Pursuant to 130 CMR 515.008(A), an "applicant or member must cooperate with the MassHealth agency in providing information necessary to establish and maintain eligibility..." After receiving an application for MassHealth benefits, MassHealth proceeds as follows:

The MassHealth agency requests all corroborative information necessary to determine eligibility.

(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(B)). "If the requested information...is received [by MassHealth] within 30 days of the date of the request, the application is considered complete....If such information is not received within 30 days of the date of the request, MassHealth benefits may be denied." (130 CMR 516.001(C)).

MassHealth denied the appellant's application for failure to submit all the requested information within the required time frame. At the close of the record open period, MassHealth had received the missing verifications necessary to process the case and issue a new determination honoring the original application date.

As the issue in this appeal is verifications and all verifications have been received, this appeal is dismissed.

## **Order for MassHealth**

If not already done, issue a new determination honoring the original application date.

## 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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Alexandra Shube  
Hearing Officer  
Board of Hearings

cc:

MassHealth Representative: Dori Mathieu, Springfield MassHealth Enrollment Center, 88 Industry Avenue, Springfield, MA 01104

[REDACTED]