

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2202909
Decision Date:	6/23/2022	Hearing Date:	05/17/2022
Hearing Officer:	Scott Bernard		

Appearance for Appellant:



(Power of Attorney) *via* telephone

Appearance for MassHealth:

Wesley Swan (Springfield MEC) *via* telephone



*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:	Dismissed	Issue:	Long Term Care (LTC) Patient Paid Amount (PPA) Calculation
Decision Date:	6/23/2022	Hearing Date:	05/17/2022
MassHealth's Rep.:	Wesley Swan	Appellant's Rep.:	[REDACTED]
Hearing Location:	Springfield 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 March 31, MassHealth approved the appellant's application for MassHealth LTC benefits with a monthly PPA of \$1,183.57 beginning April 1, 2022. (See 130 CMR 520.009; 520.026; and Exhibit (Ex.) 1, pp. 3-4). The appellant filed this appeal in a timely manner on April 15, 2022. (See 130 CMR 610.015(B) and Ex. 1, p. 1). Calculation of the PPA is valid grounds for appeal. (See 130 CMR 610.032).

Action Taken by MassHealth

MassHealth approved LTC coverage with a monthly PPA of \$1,183.57 beginning April 1, 2022.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 520.009 and 520.026, in determining that the monthly PPA was \$1,183.57 beginning April 1, 2022.

Summary of Evidence

The appellant is an individual over the age of 65. (Ex. 2). On March 31, 2022, MassHealth approved

the appellant for LTC services beginning on April 1, 2022 with a PPA of \$1,183.57. (Ex. 1, p. 3). The MassHealth representative stated that the appellant was eligible for two deductions for the Personal Needs Allowance (PNA) and for a health insurance premium. The MassHealth representative stated that MassHealth deducted \$176.63 (the health insurance premium), and \$72.80 (PNA) from the appellant's income of \$1,433. (Ex. 1, p. 4).

On or around May 12, 2022, the MassHealth representative spoke with the nursing facility. (Ex. 4). The nursing facility informed MassHealth representative that the appellant receives her health coverage through a Senior Care Organization (SCO),¹ which did not have a premium. The MassHealth representative contacted the appellant's representative on May 16, 2022. (Ex. 4). The appellant's representative informed the MassHealth representative that she cancelled the other health insurance in April because the appellant had the coverage through the SCO. The MassHealth representative stated that because the appellant is no longer paying \$176.63 for the other health insurance, the PPA will change to \$1,360.20. MassHealth sent a new notice concerning this on May 16, 2022.

The appellant's representative confirmed having discussion with the MassHealth representative the day prior to the hearing. She acknowledged that everything the MassHealth representative stated was true. The appellant's representative's only concern was that the appellant has two life insurance policies, the costs of which are automatically deducted from her checking account every month. The appellant's representative was concerned that there be money to pay that automatically deducted payment in the checking account. The appellant's representative stated that the cost of the two life insurance policies did not exceed \$50 per month.

The appellant's representative was concerned because the appellant's PPA increased so much in one month. It was explained to the appellant's representative that this was because the appellant received a deduction for the Blue Cross Blue Shield premium she had previously been paying. This resulted in the appellant's PPA increasing by \$176.63. After reviewing the various Long Term Care deductions², the appellant's representative confirmed that the appellant was only eligible for the PNA deduction.

The appellant's representative requested that the hearing officer write a decision explaining the above rather than withdrawing the appeal.

Findings of Fact

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

1. The appellant is over the age of 65. (Ex. 2).
2. In a notice dated March 31, 2022, MassHealth approved the appellant for LTC services beginning April 1, 2022. (Ex. 1, p. 3).

¹ See 130 CMR 508.008.

² See 130 CMR 520.026.

3. MassHealth determined that the appellant had a PPA of \$1,183.57. (Ex. 1, pp. 3-4).
4. MassHealth calculated the PPA by subtracting the PNA of \$72.80 and a health insurance premium of \$176.63 from the appellant's monthly income of \$1,433. (Ex. 1, p. 4).
5. On May 12, 2022, the nursing facility informed MassHealth that the appellant is receiving her health care through an SCO that does not have a premium. (Testimony of the MassHealth representative; Ex. 4).
6. On May 16, 2022, the MassHealth representative contacted the appellant's representative, who confirmed that she had cancelled the other health insurance in April 2022. (Testimony of the MassHealth representative; Testimony of the appellant's representative; Ex. 4).
7. MassHealth sent a new notice stating that the appellant's PPA will be \$1,360.20, which is the result of deducting the PNA from the appellant's income. (Testimony of the MassHealth representative; Ex. 4).
8. The appellant is only eligible for the PNA deduction. (Testimony of the appellant's representative).

Analysis and Conclusions of Law

An individual's gross income less certain expenses and deductions is referred to as the countable-income amount. (130 CMR 520.009(A)(1)). For institutionalized individuals, specific deductions described in 130 CMR 520.026 are applied against the individual's countable-income amount to determine the PPA. (130 CMR 520.009(A)(3)). These deductions are limited and are taken in the following order: a spousal-maintenance-needs allowance; a family-maintenance-needs allowance for qualified family members; a home-maintenance allowance; and health-care coverage and incurred medical and remedial-care expenses. (130 CMR 520.026).

The record shows that MassHealth correctly calculated the appellant's PPA in the March 31, 2022 notice. The appellant's representative confirmed that the appellant's monthly income is \$1,433. The appellant's representative also confirmed that at that time, she was paying a health insurance premium of \$176.63. MassHealth deducted the amount of that health insurance premium and the PNA to correctly reach the PPA figure of \$1,183.57.

The record also shows that since the March 31, 2022 notice, the appellant's representative has cancelled the other health insurance since the appellant is receiving her health coverage through an SCO with no premium. This means that the appellant will no longer receive the deduction for health insurance and her PPA will increase to \$1,360.20. The appellant's representative confirmed that the appellant is not eligible for any of the other LTC deductions.

After hearing MassHealth's explanation of the PPA calculation, the appellant's representative stated that she did not dispute the calculation but did want the explanation in writing. Therefore, in accordance with 130 CMR 610.051, this appeal is DISMISSED.

Order for MassHealth

None.

Scott Bernard
Hearing Officer
Board of Hearings

cc:

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01104