

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2203598
Decision Date:	7/21/2022	Hearing Date:	06/21/2022
Hearing Officer:	Alexandra Shube	Record Open to:	07/19/2022

Appearance for Appellant:

Via telephone:

, Daughter/POA

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

Appeal Decision:	Dismissed	Issue:	LTC Eligibility – Verifications
Decision Date:	7/21/2022	Hearing Date:	06/21/2022
MassHealth’s Rep.:	Evelyn Daniel	Appellant’s Rep.:	Daughter/POA
Hearing Location:	Springfield MassHealth Enrollment Center Remote	Aid Pending:	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 April 11, 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 May 23, 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 July 12, 2022 for the appellant to submit documentation and until July 19, 2022 for MassHealth to review and respond.

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: on December 21, 2021, MassHealth received a long-term care application on behalf of the appellant, who is over the age of 65. The original application was denied on February 1, 2022 and a re-application was started on February 28, 2022. On April 4, 2022, MassHealth issued a final denial notice for missing verifications, which is the notice under appeal. The appeal is protecting the re-application date of February 28, 2022, which can still reach back to the requested start date of November 22, 2021. At the time of hearing, MassHealth was still missing bank statements showing the disposition of funds from the trust, the funeral burial contract, and verification showing that the appellant's daughter is disabled.

At the request of the appellant's representative, the record was held open until July 12, 2022 for her to submit the needed verifications. The record was held open until July 19, 2022 for MassHealth to review and respond to the appellant's submission. The appellant's representative submitted verifications on June 29, 2022. On July 19, 2022, MassHealth responded via email that it had received the requested verifications and could issue a new determination.

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 in a nursing facility (Testimony and Exhibit 4).
2. On December 21, 2021, MassHealth received a long-term care application on behalf of the appellant, requesting a start date of November 22, 2021 (Testimony and Exhibit 4).
3. The original application was denied on February 1, 2022 and a re-application was started on February 28, 2022 (Testimony and Exhibit 4).
4. On April 4, 2022, MassHealth issued a final denial notice for missing verifications, which is the notice under appeal (Testimony and Exhibit 1).
5. On May 23, 2022, the appellant timely appealed the denial notice (Exhibit 2).
6. The record was held open until July 12, 2022 for the appellant to submit the needed verifications and until July 19, 2022 for MassHealth to review and respond to the appellant's

submission (Testimony and Exhibit 5).

7. The appellant's representative submitted verifications on June 29, 2022 (Exhibit 6).
8. On July 19, 2022, the record closed after MassHealth confirmed that it had received all requested verifications (Exhibit 7).
9. When issuing a new determination, MassHealth is honoring the re-application date of February 28, 2022, which can still reach back to the requested start date of November 22, 2021 (Testimony and Exhibit 7).

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 requested information within the required time frame. At the close of the record open period, MassHealth received the missing verifications needed to issue a new determination.

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 re-application date of February 28, 2022.

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.

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.

Alexandra Shube
Hearing Officer
Board of Hearings

cc:

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

[REDACTED]