


Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2203762
Decision Date:	8/9/2022	Hearing Date:	06/14/2022
Hearing Officer:	Scott Bernard	Record Open to:	07/20/2022

Appearance for Appellant:

 (the appellant's representative) *via* telephone


Appearance for MassHealth:

Cassandra Moura (Taunton 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:	Denied	Issue:	Long Term Care (LTC) Verifications
Decision Date:	8/9/2022	Hearing Date:	06/14/2022
MassHealth's Rep.:	Cassandra Moura	Appellant's Rep.:	
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 April 20, 2022, MassHealth denied the appellant's application for MassHealth LTC benefits because it determined that the appellant had not given the information needed to decide his eligibility within the required timeframe. (See 130 CMR 516.001; 515.008 and Exhibit (Ex.) 1; Ex. 4, p. 4). The appellant filed this appeal in a timely manner on May 17, 2022. (See 130 CMR 610.015(B) and Ex. 2). Denial of assistance is valid grounds for appeal (see 130 CMR 610.032).

At the appellant's representative's request, the record was left open in order for the appellant's representative to obtain the required verifications. (Ex. 5). One July 19, 2022, the MassHealth representative informed the hearing officer and the appellant's representative by email that she did not receive the requested information. (Ex. 6). After the hearing officer confirmed some information (see below), the record closed on July 20, 2022.

Action Taken by MassHealth

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

Issue

The appeal issues are whether MassHealth was correct, pursuant to 130 CMR 516.001 and 515.008, in determining that the appellant did not submit requested verifications in a timely manner and whether

the appellant was able to submit the requested verifications pursuant to the appeal process.

Summary of Evidence

The MassHealth representative presented the following evidence. The appellant was under the age of 65 and was admitted to the nursing facility in the Autumn of 2020. (Ex. 4, p. 2). The nursing facility submitted a LTC conversion request on the appellant behalf in May 2021. MassHealth denied this conversion request on July 1, 2021 because the appellant or the facility failed to submit verifications concerning a checking and a savings account with a specified bank in a timely manner. (Ex. 4, p. 4). MassHealth did not receive an appeal concerning this denial.

On February 28, 2022, MassHealth received a second conversion request. On March 10, 2022, MassHealth issued a request for information letter. (Ex. 4, pp. 6-8). In this letter, MassHealth sought verification of a savings and checking account with the same specified bank and the due date for receipt was April 9, 2022. (*Id.*). MassHealth did not receive the requested verifications by April 9, 2022 and sent the denial notice on April 20, 2022. (Ex. 1; Ex. 4, p. 1). As of the date of the hearing, MassHealth still had not received the requested verifications concerning the two bank accounts.

The appellant's representative, who works for the nursing facility, testified on the appellant behalf. The appellant's representative stated that he and the appellant have reached out to the bank, which confirmed the accounts have been closed. The bank, however, would not mail out verification of this because the appellant could not verify his identity. The appellant does not currently have a form of identification. The appellant and the appellant's representative have been working to get the appellant a Massachusetts identification card (Mass ID). The appellant's representative requested that the record remain open to allow the appellant more time to obtain the requested verifications from the bank.

For that reason, the appellant's representative was given until July 14, 2022 to submit verification concerning the two bank accounts and the MassHealth representative was given until July 15, 2022 to respond once she received the verifications. (Ex. 6). This was memorialized in a form, which was sent to both parties by email. (*Id.*). The record open form also contained instructions on how to request an extension. (*Id.*). The email to the appellant's representative bounced back because the email address was incorrect. (*Id.*). The MassHealth representative responded by email stating that she noticed this and forwarded the record open to the correct email address. (*Id.*)

On July 19, 2022, the MassHealth representative emailed both parties stating that she did not get the requested information. (Ex. 7). The hearing officer responded by stating the record was closed as of that date. (*Id.*). This response bounced back from the appellant's representative's email because it was, again, incorrect. (Ex. 8, p. 1). On July 20, 2022, the hearing officer wrote a new response to the MassHealth representative and the appellant's representative (at the correct address) and asked for confirmation that the appellant's representative had received the initial record open. (*Id.*). The MassHealth representative confirmed that she did forward the record open to the appellant's representative on June 14, 2022. (*Id.*). The hearing officer received a read receipt from the appellant's representative but no further response. (Ex. 8, p. 3).

Findings of Fact

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

1. The appellant was under the age of 65 and was admitted to the nursing facility in the Autumn of 2020. (Ex. 4, p. 2).
2. The nursing facility submitted a LTC conversion request on the appellant behalf in May 2021. (Testimony of the MassHealth representative).
3. MassHealth denied this conversion request on July 1, 2021 because the appellant or the facility failed to submit verifications concerning a checking and a savings account with a specified bank in a timely manner. (Ex. 4, p. 4).
4. MassHealth did not receive an appeal concerning this denial. (Testimony of the MassHealth representative).
5. On February 28, 2022, MassHealth received a second conversion request. (Testimony the MassHealth representative).
6. On March 10, 2022, MassHealth issued a request for information letter. (Ex. 4, pp. 6-8).
7. In this letter, MassHealth sought verification of a savings and checking account with the same specified bank and the due date for receipt was April 9, 2022. (Id.).
8. MassHealth did not receive the requested verifications by April 9, 2022 and sent the denial notice on April 20, 2022. (Ex. 1; Ex. 4, p. 1).
9. As of the date of the hearing, MassHealth still had not received the requested verifications concerning the two bank accounts. (Testimony of the MassHealth representative).
10. The appellant's representative and the appellant have reached out to the bank, which confirmed the accounts have been closed but would not mail out verification of this because the appellant could not verify his identity. (Testimony of the appellant's representative).
11. The appellant and the appellant's representative have been working to get the appellant a Mass ID. (Testimony of the appellant's representative).
12. The appellant's representative requested that the record remain open to allow the appellant more time to obtain the requested verifications from the bank. (Testimony of the MassHealth representative).
13. The appellant's representative was given until July 14, 2022 to submit verification concerning the two bank accounts and the MassHealth representative was given until July 15, 2022 to respond once she received the verifications. (Ex. 6).
14. This was memorialized in a form, which was sent to both parties by email. (Ex. 6).

15. The record open form also contained instructions on how to request an extension. (Ex. 6).
16. The email to the appellant's representative bounced back because the email address was incorrect. (Ex. 6).
17. The MassHealth representative responded by email stating that she noticed this and forwarded the record open to the correct email address. (Ex. 6).
18. On July 19, 2022, the MassHealth representative emailed both parties stating that she did not get the requested information. (Ex. 7).
19. The hearing officer responded by stating the record was closed as of that date. (Ex. 7).
20. This response bounced back from the appellant's representative's email because it was, again, incorrect. (Ex. 8, p. 1).
21. On July 20, 2022, the hearing officer wrote a new response to the MassHealth representative and the appellant's representative (at the correct address) and asked for confirmation that the appellant's representative had received the initial record open. (Ex. 8, p. 1).
22. The MassHealth representative confirmed that she did forward the record open to the appellant's representative on June 14, 2022. (Ex. 8, p. 1).
23. The hearing officer received a read receipt from the appellant's representative but no further response. (Ex. 8, p. 3).

Analysis and Conclusions of Law

MassHealth applicants must cooperate in providing information necessary to establish eligibility and must comply with all the rules and regulations of MassHealth. (130 CMR 515.008(A)). Once MassHealth receives an application for LTC benefits it will send the applicant written notification (generally within five days) requesting all corroborative information necessary to determine eligibility. (130 CMR 516.001(B)(1)). The notice advises the applicant that the requested information must be received within 30 days of the date of the request and explains the consequences of failure to provide the information. (130 CMR 516.001(B)(2)). If the requested information is received within 30 days¹, MassHealth will determine the coverage type providing the most comprehensive benefits for which the applicant is eligible. (130 CMR 516.001(C)). If the requested information is not received within 30 days of the request, MassHealth benefits may be denied. (Id).

The record shows that MassHealth sent the appellant a request for information on March 10, 2022. The due date for submission was April 11, 2022, the 30th business day after the mailing date of the request. The MassHealth representative testified that MassHealth did not receive the requested documents on or after April 11, 2022, a fact the appellant's representative did not dispute.

¹ There is an exception for information concerning citizenship, identity, and immigration status. (130 CMR 516.001(C)). None of these categories of information are relevant to this case, however.

MassHealth therefore acted properly in denying the application for LTC services on April 20, 2022.

Pursuant to the timely appeal of the denial, the record was left open in order to allow the appellant (through his representative) further time to submit the requested documents. (See 130 CMR 610.065(A)(4); (B)(4),(6),(8); 610.071(F)). The appellant's representative was given until July 14, 2022 to submit statements for two checking accounts. The appellant's representative did not submit any documentation by that date. The MassHealth representative reported by email on July 19, 2022 that she had not received the requested verifications. The evidence is therefore insufficient to allow MassHealth to make an eligibility determination at this time.

For the above stated reasons, the appeal must be 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.

Scott Bernard
Hearing Officer
Board of Hearings

cc:

Justine Ferreira, Taunton MassHealth Enrollment Center, 21 Spring St., Ste. 4, Taunton, MA 02780

