

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2203853
Decision Date:	11/23/2022	Hearing Date:	06/15/2022
Hearing Officer:	Alexandra Shube	Record Open to:	11/09/2022

Appearance for Appellant:




Appearance for MassHealth:

Via telephone:
Alfred Peach, Tewksbury 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:	LTC – Verifications
Decision Date:	11/23/2022	Hearing Date:	06/15/2022
MassHealth's Rep.:	Alfred Peach	Appellant's Rep.:	
Hearing Location:	Tewksbury 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 May 11, 2022, MassHealth denied the appellant's application for MassHealth benefits because the appellant failed to submit all requested information needed to determine the appellant's eligibility within the required time frame (see 130 CMR 516.001 and Exhibit 1). The appellant filed this appeal in a timely manner on May 19, 2022 (see 130 CMR 610.015(B) and Exhibit 2). Denial of assistance is valid grounds for appeal (see 130 CMR 610.032).

At the request of the appellant, the record was held open until November 9, 2022.

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 a widowed individual under the age of 65 who is a resident of a nursing facility. On March 31, 2022, MassHealth received an application for long-term care benefits on behalf of the appellant. The requested start date is unknown. On April 6, 2022, MassHealth issued a request for information with a due date of May 6, 2022. MassHealth did not receive the verifications by the requested date and on May 11, 2022 issued a denial notice for failure to provide all required verifications. As of the hearing date, the following verifications remained outstanding: personal needs allowance (PNA) account and private pay statement from the facility; information on real estate; statements from December 1, 2017 to the present for two checking accounts; copy of vehicle registration; and verification of where all income is deposited.

The appellant was represented at hearing via telephone by an administrator from the facility who testified as follows: a PNA account was just established in June 2022 and there have been no private payments made. For one of the checking accounts, she stated that she sent statements from January 2017 to January 2022, which was all that she was given. The facility has applied for conservator in order to get the remaining bank statements and they are waiting for a court date to get the appointment. MassHealth confirmed that it received the statements sent in related to one of the checking accounts.

At the request of the appellant, the record was held open until August 17, 2022 for the appellant's representative to submit the missing verifications. MassHealth was given until August 31, 2022 to review and respond to the appellant's submission. On August 12, 2022, the appellant requested an extension of the record open period as the conservator was not yet in place. The appellant's request was granted and the record open extended until September 16 for the appellant and September 30 for MassHealth. On August 23, 2022, the appellant requested a second extension of the record open because they had just received an October 25, 2022 court date for the conservator. The request was granted and appellant was given until November 8, 2022 and MassHealth until November 22, 2022.

On October 13, 2022, the appellant's representative emailed this hearing officer and the MassHealth representative to say that it was her last day at the facility and she was including her boss, who would now be the point of contact for the appellant, on the email. The appellant's representative confirmed that the court date for the conservatorship was still October 25, 2022 and her boss would be providing updates as they arise.

On November 9, 2022, the MassHealth representative informed the hearing officer that he did not receive any of the requested verifications from the appellant during the record open period, which closed for the appellant on November 8, 2022. There was no response or additional requests for

extensions from the appellant and the hearing officer closed the record on November 9, 2022.

Findings of Fact

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

1. The appellant is a widowed individual under the age of 65 who is a resident of a nursing facility (Testimony and Exhibit 5).
2. On March 31, 2022, MassHealth received an application for long-term care benefits on behalf of the appellant (Testimony and Exhibit 5).
3. On April 6, 2022, MassHealth issued a request for information with a due date of May 6, 2022 (Testimony and Exhibit 5).
4. On May 11, 2022, MassHealth issued a denial notice for failure to provide all requested verifications (Testimony and Exhibit 1).
5. On May 19, 2022, the appellant timely appealed the denial notice (Exhibit 2).
6. As of hearing, the following verifications remained outstanding: PNA account and private pay statement from the facility; information on real estate; statements from December 1, 2017 to the present for one checking account; copy of vehicle registration; and verification of where all income is deposited (Testimony and Exhibit 5).
7. The appellant's representative had applied for conservator and was waiting on a court date (Testimony).
8. At the request of the appellant, the record was held open until August 17, 2022 for the appellant to submit the missing verifications and until August 31, 2022 for MassHealth to review and respond to the appellant's submission (Testimony and Exhibit 6).
9. The appellant requested two extensions of the record open period which were both granted and ultimately extended the time for the appellant to submit verifications until November 8, 2022 and until November 22, 2022 for MassHealth to review (Exhibit 7).
10. On November 9, 2022, the MassHealth representative stated that he had not received any of the outstanding verifications from the appellant (Exhibit 7).
11. There were no additional requests for an extension or response from the appellant and this hearing officer closed the record on November 9, 2022 (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 needed to determine the appellant’s eligibility within the required time frame. The appellant was granted a record open period and two extensions of the record open period. At the close of the record open period, MassHealth did not receive any of the requested documents. As the appellant has failed to submit all requested verifications, this 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.

Alexandra Shube
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Sylvia Tiar, Tewksbury MassHealth Enrollment Center, 367 East Street, Tewksbury, MA 01876-1957

[REDACTED]