

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Approved	Appeal Number:	2204696
Decision Date:	8/3/2022	Hearing Date:	July 25, 2022
Hearing Officer:	Stanley M. Kallianidis		

Appellant Representative:



MassHealth Representative:

Stephanie DeSousa, Taunton



*Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
Board of Hearings
100 Hancock Street, 6th Floor
Quincy, MA 02171*

APPEAL DECISION

Appeal Decision:	Approved	Issue:	Retroactive Eligibility
Decision Date:	8/3/2022	Hearing Date:	July 25, 2022
MassHealth Rep.:	Stephanie DeSousa	Appellant Rep.:	

Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder.

Jurisdiction

Notice dated April 8, 2022 was sent to the appellant stating that MassHealth had denied her application for MassHealth due to missing verifications (Exhibit 1). The appellant filed her appeal on June 23, 2022 and, therefore, it is timely (see Exhibit 2 and 130 CMR 610.015). Following the appeal, the appellant supplied MassHealth with the missing verifications. The appeal was held over the earliest potential MassHealth start date. A dispute over the start date for MassHealth is grounds for appeal (130 CMR 610.032).

Action Taken by MassHealth

MassHealth determined the appellant's eligibility potential date to be November 1, 2021.

Issue

May the appellant, pursuant to 130 CMR 516.005, qualify for MassHealth prior to November 1, 2021?

Summary of Evidence

The MassHealth representative testified that the appellant applied for MassHealth on February 24, 2022 (Exhibit 3). The case was denied for missing verifications on April 8, 2022. Subsequently, the verifications were received, and the case was denied due to excess assets. The representative further explained that, due to the regulations that only allow for a maximum of three months retroactive eligibility, the case could not potentially be approved prior to November 1, 2021 (Exhibit 3).

The appellant initially applied for MassHealth on October 28, 2021. That application was denied on December 15, 2021 and a re-application dated January 4, 2022 was denied on February 22, 2022 (Exhibits 4 & 5).

At the hearing, the appellant's representative submitted documentation that the October 28, 2021 application that was denied on December 15, 2021 was timely appealed on January 14, 2022. She testified that the re-application denial was also timely appealed (Exhibit 6). The appellant's representative explained that the Board of Hearings had been holding the initial appeal to allow for a conservator to be appointed for the appellant.

The MassHealth representative testified in response that she could only address the appeal of the April 8, 2022 denial notice.

Findings of Fact

Based on a preponderance of the evidence, I find:

1. The appellant applied for MassHealth long-term care benefits on February 24, 2022 (Exhibit 3).
2. The case was denied for missing verifications on April 8, 2022 that have since been provided to MassHealth (Exhibit 1).
3. The appellant initially applied for MassHealth on October 28, 2021. That application was denied on December 15, 2021 and a re-application dated January 4, 2022 was denied on February 22, 2022 (Exhibits 4 & 5).
4. The October 28, 2021 application that was denied on December 15, 2021 was timely appealed to the Board of Hearings on January 14, 2022 (Exhibit 6).

Analysis and Conclusions of Law

In the instant appeal, I have found that the appellant applied for MassHealth long-term care benefits on February 24, 2022. The case was denied for missing verifications on April 8, 2022. However, I have also found that the appellant initially had applied for MassHealth on October 28, 2021. That application was denied on December 15, 2021 and was appealed on January 14, 2022. Given these facts, the Fair Hearing regulations require me to address this denied application because an appeal was filed to the Board of Hearings within the thirty-day time limit (see 130 CMR 610.015(B)(2)).

130 CMR 516.005 states that:

The begin date of MassHealth Standard, Family Assistance or Limited coverage may be retroactive to the first day of the third calendar month before the month of application, if covered medical services were received during such period, and the applicant or member would have been eligible at the time services were provided. If more than one application has been submitted and not denied, the begin date will be based on the earliest application that is approved.

Given jurisdiction over an October 28, 2021 initial application, and a resolution of the missing verifications issue, the appellant is entitled to a potential eligibility date of July 1, 2021.

The appeal is therefore approved.

Order for MassHealth

Re-open appellant's October 28, 2021 application and determine if appellant is otherwise eligible.

Implementation of this Decision

If this decision is not implemented within 30 days after the date of this notice, you should contact your local office. 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.

Stanley M. Kallianidis
Hearing Officer
Board of Hearings

cc:

