

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



**Appeal Decision:** Denied

**Appeal Number:** 2205147

**Decision Date:** 8/10/2022

**Hearing Date:** 08/09/2022

**Hearing Officer:** Radha Tilva

**Appearance for Appellant:**



**Appearance for MassHealth:**

Meghan Adie, Tewksbury MEC rep.



*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

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	LTC – PPA
<b>Decision Date:</b>	8/10/2022	<b>Hearing Date:</b>	08/09/2022
<b>MassHealth's Rep.:</b>	Meghan Adie	<b>Appellant's Rep.:</b>	
<b>Hearing Location:</b>	Tewksbury MassHealth Enrollment Center	<b>Aid Pending:</b>	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 June 22, 2022, MassHealth changed appellant's patient paid amount from \$800.80 to \$1,933.80 a month effective July 1, 2022 (Exhibit 1). The appellant filed this appeal in a timely manner on July 12, 2022 (see 130 CMR 610.015(B) and Exhibit 2). Challenging a patient paid amount is valid grounds for appeal (see 130 CMR 610.032).

## Action Taken by MassHealth

MassHealth changed appellant's patient-paid amount from \$800.80 to \$1,933.80 a month.

## Issue

The appeal issue is whether MassHealth was correct in increasing appellant's patient-paid amount to \$1,933.80.

## Summary of Evidence

The MassHealth representative that appeared at hearing testified that appellant was admitted to the long-term care in December 2021 and was seeking an eligibility start date of January 1, 2022. Appellant was approved for MassHealth long-term care benefits effective January 1, 2022 with a

patient-paid amount of \$800.80. The patient-paid amount was calculated and took into consideration a standard short-term allowance to maintain appellant's former home in the amount of \$1,133.00. The MassHealth representative explained that the regulations only allows for the allowance for six months; hence, the increase in the patient paid amount.

The appellant was represented by a Business Office Assistant who worked at the nursing facility. The appellant was discharged from the facility on July 11, 2022 and is seeking that the short-term allowance to maintain his former home be allowed for an additional 10 days until his discharge. The appellant's representative stated that the goal was for appellant to get home before the six months, however, there were setbacks with COVID which created issues with setting up the proper services at appellant's home.

## Findings of Fact

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

1. Appellant entered a long-term care nursing facility in December 2021 and was seeking a January 1, 2022 eligibility start date.
2. Appellant was approved for MassHealth long-term care benefits effective January 1, 2022 with a patient-paid amount of \$800.80.
3. Appellant was discharged from the nursing facility on July 11, 2022.
4. In calculating the patient-paid amount MassHealth deducted \$1,133.00 per month as a standard deduction for the amount to maintain appellant's former home.
5. Appellant is seeking the deduction to maintain his former home for an additional 10 days through his date of discharge.

## Analysis and Conclusions of Law

The relevant regulation is 130 CMR 520.026(D) which states that the following:

- (1) The MassHealth agency allows a deduction for maintenance of a home when a competent medical authority certifies in writing that a single individual, with no eligible dependents in the home, is likely to return home within six months after the month of admission. This income ***deduction terminates at the end of the sixth month after the month of admission regardless of the prognosis to return home at that time.*** (2) The amount deducted is the 100 percent federal-poverty-level income standard for one person.

(Emphasis added).

As MassHealth started January 1, 2022 it follows that MassHealth did not err in ending the six month deduction at the end of June 2022. The regulations do not allow for an extension for this

deduction. Therefore, MassHealth was correct in increasing the PPA and the 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.

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Radha Tilva  
Hearing Officer  
Board of Hearings

cc:

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

Appellant Representative: [REDACTED]