

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2205197
Decision Date:	8/23/2022	Hearing Date:	08/12/2022
Hearing Officer:	Alexandra Shube		

Appearance for Appellant:

Via telephone:

Pro se



Appearance for MassHealth:

Via telephone:

Kristine Denucce-Simms, 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:	Denied	Issue:	LTC – PPA
Decision Date:	8/23/2022	Hearing Date:	08/12/2022
MassHealth’s Rep.:	Kristine Denucce-Simms	Appellant’s Rep.:	Pro se Son
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 June 22, 2022, MassHealth notified the appellant that his patient paid amount (PPA) would increase from \$573.20 to \$1,706.20 beginning July 1, 2022 due to a change in circumstances (Exhibit 1). The appellant filed this appeal in a timely manner on July 11, 2022 (see 130 CMR 610.015(B) and Exhibit 2). A determination regarding scope of assistance is a valid basis for appeal. (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth changed the appellant’s PPA from \$573.20 to \$1,706.20 beginning July 1, 2022.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 520.026, in determining the change in the appellant’s PPA.

Summary of Evidence

The MassHealth representative appeared at hearing via telephone and testified as follows: MassHealth issued a notice on June 22, 2022 informing the appellant that his PPA would change from \$573.20 to \$1,706.20 beginning July 1, 2022 due to a change in circumstances. She stated that the home maintenance deduction had been exhausted, resulting in the change in PPA. The MassHealth representative explained that pursuant to the MassHealth regulations, the deduction for maintenance of a former home terminates at the end of the sixth month after the month of admission, regardless of the prognosis to return home at that time. The appellant received the home maintenance deduction for six months, from December 2021 through June 2022.

The appellant appeared at hearing via telephone along with his son. The appellant explained that when he entered the facility on [REDACTED], he thought he was entering for short-term rehabilitation and then he enrolled for long-term care later. He was denied approval for assisted living which he applied for through a waiver. He stated that there have been changes in his condition and he wanted to be re-evaluated for the waiver, which he and his son thought they were appealing.

The MassHealth representative responded that MassHealth received an application for long-term care on February 11, 2022. There was no specified start date, but “retroactive coverage” was checked off, so MassHealth went back in coverage to the start of his stay at the facility. The home maintenance deduction begins when he entered the facility, regardless that he started as short-term. The MassHealth representative explained that the notice under appeal today is the one notifying the appellant of the change in his PPA. She does not have access to the waiver notice regarding assisted living, but she could see that the appellant was denied for a waiver in June. It was a clinical denial. He could still appeal that waiver denial and/or contact the Waiver Unit.

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 of a nursing facility (Testimony).
2. On June 22, 2022, MassHealth informed the appellant that his PPA would change from \$573.20 to \$1,706.20 beginning July 1, 2022 due to a change in circumstances (Testimony and Exhibit 1).
3. The change in circumstances was that the home maintenance deduction had been exhausted after six months (Testimony and Exhibit 1).
4. The appellant received the home maintenance deduction for six months, from December 2021 through June 2022 (Testimony and Exhibit 5).

Analysis and Conclusions of Law

Pursuant to 130 CMR 520.026, the following applies for long-term care general income deductions:

General income deductions must be taken in the following order: a personal-needs allowance; a spousal-maintenance-needs allowance; a family-maintenance-needs allowance for qualified family members; a home-maintenance allowance; and health-care coverage and incurred medical and remedial-care expenses. These deductions are used in determining the monthly patient-paid amount...

(D) Deductions for Maintenance of a Former Home.

(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% federal poverty level income standard for one person.

(Emphasis added).

The appellant received the home maintenance deduction for six months and there are no other applicable income deductions. MassHealth correctly calculated the appellant's monthly PPA. For these reasons, the MassHealth determination was correct and the appeal is denied.¹

Order for MassHealth

None.

¹ The only notice under appeal at hearing was dated June 22, 2022, informing the appellant of the change in PPA. If the appellant wishes to address the denial of the waiver, he may appeal that issue separately.

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

[REDACTED]