

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2205443
Decision Date:	9/9/2022	Hearing Date:	08/19/2022
Hearing Officer:	Christine Therrien	Record Open to:	09/02/2022

Appearance for Appellant:



Appearance for MassHealth:

Jessica Barney, Taunton



*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 missing verifications
Decision Date:	9/9/2022	Hearing Date:	08/19/2022
MassHealth's Rep.:	Jessica Barney	Appellant's Rep.:	
Hearing Location:	All parties appeared by phone		

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 5/9/22, MassHealth denied the appellant's application for Long Term Care benefits because MassHealth did not receive the requested documents within the required timeframe. (130 CMR 516.001 and Exhibit 1). The appellant filed this appeal in a timely manner on 7/22/22. (130 CMR 610.015(B) and Exhibit 2). Denial of assistance is valid grounds for appeal. (130 CMR 610.032). The record was left open until 8/26/22 for the appellant to submit the missing verifications and until 9/2/22 to allow MassHealth to review that all submissions were received. (Exhibit 4).

Action Taken by MassHealth

MassHealth denied the appellant's application for Long Term Care (LTC) benefits for failure to submit required verifications.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 516.001, in determining that the appellant is ineligible for LTC benefits for failing to submit the required verifications.

Summary of Evidence

The MassHealth representative testified that MassHealth received a LTC conversion for the appellant

on 3/22/22. The MassHealth representative testified that the re-application date was 6/14/22 and the requested verifications were not received. The MassHealth representative testified that a denial was issued on 5/9/22 for failure to submit all the required verifications. (Exhibit 1). The appellant's representative testified that she is working on getting the missing verifications and needs more time to gather all the information. The record was left open until 8/26/22. (Exhibit 4). The requested verifications were not submitted. (Exhibit 5).

Findings of Fact

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

1. MassHealth received a LTC conversion for the appellant on 3/22/22.
2. The re-application date was 6/14/22 and the requested verifications were not received.
3. A denial was issued on 5/9/22 for failure to submit all the required verifications. (Exhibit 1).
4. The record was left open until 8/26/22 so the appellant's representative could gather the missing verifications. (Exhibit 4).
5. The requested verifications were not submitted. (Exhibit 5).

Analysis and Conclusions of Law

Regulation 130 CMR 516.001(C) provides that MassHealth may request additional information or documentation, if necessary to determine eligibility. The request is generally sent to the applicant within 5 days of receipt of the application and provides 30 days to return the needed documents. Pursuant to 130 CMR 516.001(D), if the verifications are not submitted within 30 days of the date of the request, MassHealth benefits may be denied. Thereafter, if one or more of the documents are submitted within 30 days of the denial, the date of receipt shall be the reapplication date.

The appellant's representative neither submitted the missing verifications, nor requested another extension for the record open period. Since the appellant has not provided verifications necessary to determine MassHealth eligibility, MassHealth correctly denied the application.

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.

Christine Therrien
Hearing Officer
Board of Hearings

cc:

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

