

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2205490
Decision Date:	9/9/2022	Hearing Date:	08/24/2022
Hearing Officer:	Christine Therrien		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Liz Landry, 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 - PPA
Decision Date:	9/9/2022	Hearing Date:	08/24/2022
MassHealth's Rep.:	Liz Landry	Appellant's Rep.:	Pro se
Hearing Location:	Telephonically		

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 6/30/22, MassHealth notified the appellant's that his patient paid amount (PPA) is \$1,753.20 a month beginning on 7/1/22. (130 CMR 520.026 and Exhibit 1). The appellant filed this appeal in a timely manner on 7/19/22. (130 CMR 610.015(B) and Exhibit 2). A change in PPA is valid grounds for appeal. (130 CMR 610.032).

Action Taken by MassHealth

MassHealth determined the appellant's PPA to be \$1,753.20 a month beginning on 7/1/22.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 520.025, in determining that appellant's PPA is \$1,753.20.

Summary of Evidence

The MassHealth representative testified that the appellant, who was admitted to a nursing facility in [REDACTED], was converted from short-term to long-term on 5/17/22. The MassHealth representative testified that the appellant's PPA was determined to be \$1,753.20 a month beginning on 7/1/22. (Exhibit 1). The MassHealth representative testified that when a member is converted from short-term to long-term the short-term a PPA is determined. The MassHealth representative testified that MassHealth calculated the PPA by taking the appellant's income of \$1,826 from social security and

then deducting any allowances the appellant qualifies for. The MassHealth representative testified that the appellant qualifies for the standard personal needs allowance of \$72.80 for a total PPA of \$1,753.20.

The appellant testified that he understood how the PPA was calculated, but he was moving to an apartment and needed his social security for rent and his storage bill. The appellant testified that prior to admission he was taking care of his mother and living in her house, but his brother sold the house after his mother passed away.

Findings of Fact

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

1. The appellant was admitted to a nursing facility in [REDACTED].
2. The appellant was converted from short-term to long-term on 5/17/22.
3. The appellant's PPA was determined to be \$1,753.20 a month beginning on 7/1/22. (Exhibit 1).
4. When a member is converted from short-term to long-term the short-term a PPA is determined.
5. The appellant's PPA was calculated by taking the appellant's income of \$1,826 from social security and then deducting the standard personal needs allowance of \$72.80 for a total PPA of \$1,753.20.

Analysis and Conclusions of Law

Once an individual has been determined a long-term care facility resident MassHealth will establish a Patient-Paid Amount (PPA) which is the amount that a member in a long-term care facility must contribute to the cost of care under the laws of the Commonwealth of Massachusetts.

130 CMR 520.026: Long-Term-Care General Income Deductions

General income deductions must be taken in the following order:

- (A) personal needs allowance (\$72.80 a month);
- (B) spousal-maintenance-needs allowance;
- (C) family-maintenance-needs allowance for qualified family members;
- (D) home-maintenance allowance;
- (E) health-care coverage and incurred medical and remedial-care expenses.

The appellant, who entered the facility in [REDACTED], was converted from short-term care to long-term on 5/17/22. MassHealth has established a PPA based on this change in status with a start

date on 7/1/22. MassHealth was correct in determining the appellant's PPA based on his social security income of \$1,826 and his personal needs allowance of \$72.80 a month. The appellant does not qualify for any other long-term care allowances. For this reason, 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.