

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2206583
Decision Date:	10/13/2022	Hearing Date:	10/05/2022
Hearing Officer:	Marc Tonaszuck	Record Open to:	11/11/2022

Appearance for Appellant:




Appearance for MassHealth:

Evelyn Daniel



*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:	Dismissed	Issue:	Long Term Care
Decision Date:	10/13/2022	Hearing Date:	10/05/2022
MassHealth's Rep.:	Evelyn Daniel	Appellant's Rep.:	
Hearing Location:	Springfield MassHealth Enrollment Center		

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 08/15/2022, MassHealth informed the appellant that it reviewed her application for long term care services and determined that she was not eligible because she did not give MassHealth the information it needs to decide her eligibility within the required time frame (130 CMR 515.008; Exhibit 1). A timely appeal was filed on the appellant's behalf by her POA on 09/02/2022 (130 CMR 610.015(B); Exhibits 2 and 4). Denial of MassHealth benefits is valid grounds for appeal (130 CMR 610.032).

A fair hearing took place on 10/05/2022¹, at which time the MassHealth representative testified that the appellant applied for MassHealth long term care benefits. MassHealth sent a request for verifications to the appellant's representative and, after all the requested verifications were not received by MassHealth, the denial notice was issued (Exhibit 5).

At hearing, the appellant's representatives asserted that they provided all requested verifications to MassHealth in a timely manner; however, they agreed to re-send the missing verifications to MassHealth immediately. The record remained open for the appellant's submission and for MassHealth's response (Exhibits 6, 7 and 8). On 10/06/2022, MassHealth informed the hearing officer and the appellant's

¹ See Exhibit 3.

representatives that it received all missing verifications and that it issued a substantive eligibility determination regarding the appellant's long term care benefits with appeal rights attached (Exhibit 8).

The Fair Hearing regulation concerning Adjustment Procedures and Mediation is set forth at 130 CMR 610.051. Regulations at 130 CMR 610.051(B) states as follows:

(B) Adjustments Resolving Issues. The MassHealth agency or the acting entity may make an adjustment in the matters at issue before or during an appeal period. If the parties' adjustment resolves one or more of the issues in dispute in favor of the appellant, the hearing officer, by written order, may dismiss the appeal in accordance with 130 CMR 610.035 as to all resolved issues, noting as the reason for such dismissal that the parties have reached agreement in favor of the appellant. BOH will not delay a fair hearing because a possible adjustment is under consideration, unless the appellant requests or agrees to such a delay.

MassHealth has reversed its initial denial based on a failure to provide verifications and subsequently issued a substantive eligibility determination. As the MassHealth adjustment resolves all of the disputed issues in the instant case in favor of the appellant, and the appellant has appeal rights connected with the forthcoming notice, this appeal is dismissed.

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.

Marc Tonaszuck
Hearing Officer
Board of Hearings

cc:

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

Appellant Attorney: [REDACTED]