

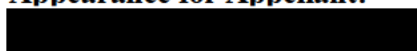
Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2207104
Decision Date:	12/13/2022	Hearing Date:	11/03/2022
Hearing Officer:	Kimberly Scanlon	Record Open to:	12/2/2022

Appearance for Appellant:



Appearance for MassHealth:

Kristin McMahon



*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:	Verifications
Decision Date:	12/13/2022	Hearing Date:	11/03/2022
MassHealth's Rep.:	Kristin McMahon	Appellant's Rep.:	
Hearing Location:	Remote		

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 July 27, 2022, MassHealth notified the Appellant that she was not eligible for MassHealth long-term care benefits because she did not submit the information it needed to decide her eligibility within the required time frame. See, Exhibit 1; Exhibit 4; 130 CMR 515.008. The appellant filed this appeal in a timely manner on August 8, 2022. See, Exhibit 2; 610.015(B). On September 23, 2022 the Board of Hearings dismissed the appeal for failure to include appropriate authorization for the requested appeal. See, 130 CMR 610.035. On October 5, 2022, the Appellant submitted written authorization granting permission of representation on her behalf. See, Exhibit 2. Denial of assistance is valid grounds for appeal. See, 130 CMR 610.032.n A hearing was conducted on November 3, 2022. See, Exhibit 3. At the conclusion of the hearing, the record was left open until December 2, 2022¹ for the Appellant to submit additional evidence. See, Exhibit 5.

Action Taken by MassHealth

MassHealth notified the Appellant that she is not eligible for MassHealth benefits because she did not submit the information it needed to decide her eligibility within the required time frame.

Issue

¹ Initially, the record was left open until November 17, 2022 however the Board of Hearings received a request to extend the record open period because the Appellant's representative was no longer employed with the facility. The request was granted and the record open period was extended to December 2, 2022.

The appeal issue is whether MassHealth was correct in denying the Appellant's application for MassHealth long-term care benefits.

Summary of Evidence

A MassHealth representative appeared at the hearing via telephone and testified as follows: On March 25, 2022, MassHealth received a long-term care application on behalf of the Appellant requesting a benefit start date of March 30, 2022. On March 31, 2022, MassHealth sent a request of information to the Appellant. See, Exhibit 4. On May 6, 2022, MassHealth denied the request for failure to receive all verifications. On May 23, 2022, MassHealth received some, but not all, of the requested verifications and issued a second request for information on June 1, 2022. See, id. On July 27, 2022, MassHealth sent a second denial because it had not received any of the verifications within the requested timeframe. See, Exhibit 1; Exhibit 4. As of the hearing date, the following verifications, which had been requested in the initial request for information, were still outstanding:

- Information regarding property that was sold within the five (5) year lookback period; and
- Proof that the property was sold at or above Fair Market Value and proof of where the closing funds were disbursed.

See, Exhibit 4.

The Appellant's representative appeared at the hearing by telephone and testified that she thought she had sent in the requested verifications to MassHealth. When the MassHealth representative confirmed that she did not receive the above-named items, the Appellant's representative stated that she would contact the Appellant's son that same day and get it faxed over to MassHealth. Accordingly, the record was left open until November 17, 2022 for the Appellant to submit the remaining verifications to MassHealth. See, Exhibit 5. At the close of business on November 17, 2022, the MassHealth representative responded that MassHealth did not receive the outstanding verifications and therefore did not have the necessary information to determine eligibility. On or about November 17, 2022 the Board of Hearings received a request on behalf of the Appellant to extend the record open period because the Appellant's representative was no longer employed at the facility. The request to extend the record open period was granted until December 2, 2022. At the close of business on December 2, 2022 the MassHealth representative responded that MassHealth did not receive any of the outstanding verifications and therefore did not have the necessary information to determine the Appellant's MassHealth eligibility. See, Exhibit 5.

Findings of Fact

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

1. On March 25, 2022, MassHealth received a long-term care application on behalf of the Appellant requesting a benefit start date of March 25, 2022.

2. On March 31, 2022, MassHealth sent a request for information to the Appellant.
3. On May 6, 2022, MassHealth denied the request for failure to receive all verifications.
4. On May 23, 2022, MassHealth received some, but not all of the requested verifications, and issued a second request for information on June 1, 2022.
5. On July 27, 2022, MassHealth sent out a second denial because it had not received the verifications within the requested timeframe.
6. As of the hearing date, the following verifications, which had been listed in the initial request for information, were still outstanding: documentation showing property that was sold within the five (5) year lookback period and proof that the property was sold at or above Fair Market Value and proof of where the closing funds were disbursed.
7. Following the hearing, the record was left open until November 17, 2022 for the Appellant to submit the remaining verifications to MassHealth.
8. At the close of business on November 17, 2022, the MassHealth representative responded that MassHealth did not receive the remaining outstanding verifications and therefore did not have the necessary information to determine the Appellant's eligibility.
9. On or about November 17, 2022, the Board of Hearings received a request on behalf of the Appellant to extend the record open period because the Appellant's representative at the hearing was no longer employed with the facility.
10. The request to extend the record open period was granted until December 2, 2022. At the close of business on December 2, 2022, the MassHealth representative responded that MassHealth did not receive the remaining outstanding verifications and therefore did not have the necessary information to determine the Appellant's eligibility.

Analysis and Conclusions of Law

Once an application for MassHealth long-term care benefits has been submitted, the MassHealth agency requests all corroborative information necessary to determine eligibility. See, 130 CMR 516.001. 130 CMR 516.001(B) provides the following with respect to corroborative information:

- (1) The MassHealth agency sends the applicant written notification requesting the corroborative information generally within five days of receipt of the application.
- (2) The notice advises the applicant that the requested information must be received within 30 days of the date of the request, and of the consequences of failure to provide the information.

130 CMR 516.001(C) sets forth the process regarding the receipt of corroborative information and provides as follows:

If the requested information, with the exception of verification of citizenship, identity, and immigration status, is received within 30 days of the date of the request, the application is considered complete. The MassHealth agency will determine the coverage type providing the most comprehensive medical benefits for which the applicant is eligible. If such information is not received within 30 days of the date of the request, MassHealth benefits may be denied.

130 CMR 516.002 reads as follows: The MassHealth agency will reactivate the application after a denial of eligibility for failure to provide requested verifications.

- (A) If the requested information is received within 30 days of the date of denial, the date of receipt of one or more of the verifications is considered the date of reapplication.
- (B) The date of reapplication replaces the date of the denied application. The applicant's earliest date of eligibility for MassHealth is based on the date of reapplication.
- (C) If a reapplication is subsequently denied and not appealed, the applicant must submit a new application to pursue eligibility for MassHealth. The earliest date of eligibility for MassHealth is based on the date of the new application.

In the present case, the Appellant was granted a post-hearing record open period to produce the outstanding information. Despite the additional time, the Appellant did not submit the outstanding information regarding a property that was sold within the five (5) year lookback period, including proof that the property was sold at or above Fair Market Value and proof of where the closing funds were disbursed. Without this information, MassHealth is unable to make a determination regarding the Appellant's financial eligibility. Therefore, the action taken by MassHealth was within the regulations. See, 130 CMR 516.001. 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.

Kimberly Scanlon
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Sylvia Tiar, Tewksbury MassHealth Enrollment Center, 367 East Street, Tewksbury, MA 01876-1957, 978-863-9290