

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2208553
Decision Date:	2/17/2023	Hearing Date:	12/16/2022
Hearing Officer:	Alexandra Shube	Record Open to:	02/02/2023

Appearance for Appellant:



Appearance for MassHealth:

Via telephone:

Kim McAvinchey, Tewksbury 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:	Dismissed	Issue:	LTC – Verifications
Decision Date:	2/17/2023	Hearing Date:	12/16/2022
MassHealth's Rep.:	Kim McAvinchey	Appellant's Rep.:	
Hearing Location:	Tewksbury 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 September 8, 2022, MassHealth denied the appellant's application for MassHealth benefits because MassHealth determined that the appellant failed to submit verifications in a timely manner (see 130 CMR 516.001 and Exhibit 1). The appellant filed this appeal in a timely manner on November 16, 2022 (see 130 CMR 610.015(B) and Exhibit 2). Denial of assistance is valid grounds for appeal (see 130 CMR 610.032).

The record in this appeal was held open until February 2, 2023 for the appellant to submit additional documentation and MassHealth to review the appellant's submission.

Action Taken by MassHealth

MassHealth denied the appellant's application for MassHealth benefits for failure to submit requested verifications in a timely manner.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 516.001, in determining that the appellant failed to submit requested verifications in a timely manner.

Summary of Evidence

The MassHealth representative appeared at hearing via telephone and testified as follows: on July 22, 2022, MassHealth received a long-term care application requesting a start date of July 8, 2022. The appellant was over the age of 65 and a resident of a nursing facility at the time of the application. On August 4, 2022, MassHealth issued a request for information. On September 8, 2022, MassHealth issued a denial notice for missing verifications which is the notice under appeal. At the time of hearing, MassHealth was still missing verifications, but had received faxes from the appellant that it needed to review.

The appellant was represented at hearing via telephone by the facility's business office manager. She testified that she believed all the requested verifications were in the faxes. The appellant returned to the community after being discharged from the facility in [REDACTED]. She did not believe the appellant was under the \$2,000 asset limit. She explained that since the appellant did not have a patient paid amount (PPA), she could not write checks to the facility.

MassHealth was given until December 23, 2022 to review the appellant's submission. The appellant was originally given until December 30, 2022 to respond but needed additional time. Ultimately, the record closed on February 2, 2023 when MassHealth responded via email that it had all the requested verifications and would preserve the original July 22, 2022 application date when determining eligibility.

Findings of Fact

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

1. The appellant was over the age of 65 and a resident of a nursing facility at the time of the application, but has since been discharged (Testimony).
2. On July 22, 2022, MassHealth received a long-term care application requesting a start date of July 8, 2022 (Testimony).
3. On September 8, 2022, MassHealth issued a denial notice for missing verifications which is the notice under appeal (Testimony and Exhibit 1).
4. On November 16, 2022, the appellant timely appealed the denial notice (Exhibit 2).
5. The record was held open until February 2, 2023, at which point MassHealth had received all the missing verifications and would honor the original application date when issuing a new determination (Exhibit 5).

Analysis and Conclusions of Law

Pursuant to 130 CMR 515.008(A), an “applicant or member must cooperate with the MassHealth agency in providing information necessary to establish and maintain eligibility...” After receiving an application for MassHealth benefits, MassHealth proceeds as follows:

The MassHealth agency requests all corroborative information necessary to determine eligibility.

(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(B)). “If the requested information...is received [by MassHealth] within 30 days of the date of the request, the application is considered complete....If such information is not received within 30 days of the date of the request, MassHealth benefits may be denied.” (130 CMR 516.001(C)).

MassHealth denied the appellant’s application for failure to submit all requested information within the required time frame. At the close of the record open period, MassHealth received the missing verifications needed and would issue a new determination honoring the original application date.

As the issue in this appeal is verifications and all verifications have been received, this appeal is dismissed.

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.

Alexandra Shube
Hearing Officer
Board of Hearings

cc:

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

