

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



| | | | |
|------------------|--------------------|----------------|------------|
| Appeal Decision: | Denied | Appeal Number: | 2208695 |
| Decision Date: | 1/31/2023 | Hearing Date: | 01/13/2023 |
| Hearing Officer: | Christine Therrien | | |

Appearance for Appellant:



Appearance for MassHealth:

Liz Landry



*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 Patient Paid Amount |
| Decision Date: | 1/31/2023 | Hearing Date: | 01/13/2023 |
| MassHealth's Rep.: | Liz Landry | Appellant's Rep.: | ██████ |
| Hearing Location: | Taunton MassHealth Enrollment Center - Telephonic | | |

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 10/11/22, MassHealth notified the appellant's that his patient paid amount (PPA) is \$1,424.20 a month beginning on ██████ 22. (130 CMR 520.026 and Exhibit 1). The appellant filed this appeal in a timely manner on 11/22/22. (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 \$1,424.20 a month beginning on ██████ 22.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 520.025, in determining that appellant's PPA is \$1,424.20.

Summary of Evidence

The MassHealth representative testified that the appellant, who was admitted to a nursing facility in ██████ of 2022, was converted from short-term to long-term on ██████ 22. The MassHealth representative testified that the appellant's PPA was determined to be \$1,424.20 a month beginning on

██████ 22. (Exhibit 1). The MassHealth representative testified that when a member is converted from short-term to long-term a PPA is determined. The MassHealth representative testified that MassHealth calculated the PPA by taking the appellant's income of \$1,497 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 \$1,424.20.

The appellant's niece testified that the appellant plans to return to his apartment as soon as she can get his necessary home care services and therapy in place. The appellant's niece testified that due to insurance limitations the appellant is unable to get adequate therapy services in the nursing facility to be able to return home. The appellant's niece testified that the appellant wants to return home and be part of his community again, but he cannot afford to maintain his apartment if he has to pay \$1,424.20 to the nursing facility each month.

Findings of Fact

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

1. The appellant was admitted to a nursing facility in ██████ of 2022.
2. The appellant was converted from short-term to long-term on ██████ 22.
3. The appellant's PPA was determined to be \$1,424.20 a month beginning on ██████ 22. (Exhibit 1).
4. When a member is converted from short-term to long-term a PPA is determined.
5. MassHealth calculated the PPA by taking the appellant's income of \$1,497 from social security and then deducting any allowances the appellant qualifies for.
6. The appellant qualifies for the standard personal needs allowance of \$72.80 for a total PPA of \$1,424.20.
7. The appellant still has an apartment in the community he would like to return to.
8. The appellant's niece is working on setting up home care and home therapy services.

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;¹
- (E) health-care coverage and incurred medical and remedial-care expenses.

The appellant, who entered the facility in [REDACTED] 2022, was converted from short-term care to long-term on [REDACTED] 22. MassHealth has established a PPA based on this change in status with a start date on [REDACTED] 22. MassHealth was correct in determining the appellant's PPA based on his social security income of \$1,497 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, 21 Spring St., Ste. 4, Taunton, MA 02780.

¹ “(D) Deductions for Maintenance of a Former Home. (1) The MassHealth agency allows a deduction for maintenance of a home when a competent medical authority certifies in writing that a single individual, with no eligible dependents in the home, is likely to return home within six months after the month of admission. **This income deduction terminates at the end of the sixth month after the month of admission regardless of the prognosis to return home at that time.**”