

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



|                         |                    |                       |            |
|-------------------------|--------------------|-----------------------|------------|
| <b>Appeal Decision:</b> | Denied             | <b>Appeal Number:</b> | 2300047    |
| <b>Decision Date:</b>   | 2/17/2023          | <b>Hearing Date:</b>  | 02/01/2023 |
| <b>Hearing Officer:</b> | Rebecca Brochstein |                       |            |

**Appearances for Appellant:**



**Appearances for MassHealth:**

Mul Oeur, Taunton MEC



*Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Office of Medicaid  
Board of Hearings  
100 Hancock Street  
Quincy, MA 02171*

# APPEAL DECISION

|                           |                               |                          |                                      |
|---------------------------|-------------------------------|--------------------------|--------------------------------------|
| <b>Appeal Decision:</b>   | Denied                        | <b>Issue:</b>            | Long-Term Care / Patient-Paid Amount |
| <b>Decision Date:</b>     | 2/17/2023                     | <b>Hearing Date:</b>     | 02/01/2023                           |
| <b>MassHealth's Rep.:</b> | Mul Oeur,<br>Taunton MEC      | <b>Appellant's Rep.:</b> | Appellant's<br>Mother/POA            |
| <b>Hearing Location:</b>  | Board of Hearings<br>(Remote) |                          |                                      |

## Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapters 118E and 30A, and the rules and regulations promulgated thereunder.

## Jurisdiction

By a notice dated December 15, 2022, MassHealth notified the appellant that his patient-paid amount (PPA) would increase from \$1,191.20 to \$1,301.20 as of January 1, 2023 (Exhibit 1). The appellant filed a timely appeal on January 3, 2023 (130 CMR 610.015; Exhibit 2). The calculation of a member's PPA is a valid basis for appeal (130 CMR 610.032).

## Action Taken by MassHealth

MassHealth notified the appellant that his patient-paid amount (PPA) would increase from \$1,191.20 to \$1,301.20 as of January 1, 2023

## Issue

The issue on appeal is whether MassHealth correctly calculated the appellant's PPA.

## **Summary of Evidence**

A representative from the Taunton MassHealth Enrollment Center appeared at the hearing telephonically and testified as follows: The appellant, who is in his mid-forties, is a resident of a long-term care facility. He was approved for MassHealth coverage of his stay at the facility beginning November 1, 2021. MassHealth initially calculated his patient-paid amount (PPA) at \$1,118.20, and later increased it to \$1,191.20. On December 15, 2022, MassHealth notified the appellant that the PPA would increase to \$1,301.20.<sup>1</sup> The MassHealth representative stated that this change was due to a change in the appellant's Social Security income. She testified that MassHealth calculated the PPA by taking his total income of \$1,374 and deducting a personal needs allowance of \$72.80. The remaining \$1,301.20 is what he owes to the facility each month.

The appellant was represented at hearing by his mother, who also holds his power of attorney. She stated that the appellant pays for storage and a post office box each month, and that the PPA that MassHealth has calculated leaves him with no funds to meet these expenses. She explained that the appellant had lived independently prior to his admission to the nursing facility, but that he does not have a place to store his things or receive his mail while there. She added that he has been accepted to a group home program for the upcoming spring or summer, but has no space for his belongings until then.<sup>2</sup>

The mother submitted into evidence an invoice from the storage facility as well as a printout verifying payment for a post office box. The documentation shows the cost for the storage space is \$172 per month, and the cost for the post office box is \$138 every six months. See Exhibit 5.

## **Findings of Fact**

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

1. The appellant was previously approved for MassHealth long-term care coverage.
2. On December 15, 2022, MassHealth notified the appellant that his PPA would increase from \$1,191.20 to \$1,301.20 as of January 1, 2023.

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<sup>1</sup> The record includes a separate notice from December 14, 2022, a day earlier. That notice is a long-term care approval, also reflecting a PPA of \$1,301.20 as of January 2023. It is not clear what prompted MassHealth to send an approval notice and a notice of PPA increase (showing the same PPA calculation) a day apart.

<sup>2</sup> The mother testified that it was not until the December 2022 notice that she was aware the appellant had a PPA. She stated that prior to this notice, she had been paying his storage and post office box expenses from his monthly income.

3. MassHealth calculated the PPA by taking the appellant's gross income of \$1,374 and deducting a personal needs allowance of \$72.80.
4. There is no evidence the appellant is eligible for any other deductions from his PPA.
5. On January 3, 2023, the appellant filed a timely appeal of the notice.

### **Analysis and Conclusions of Law**

Pursuant to 130 CMR 520.026, MassHealth allows certain deductions from the income of a long-term care resident in calculating their monthly patient-paid amount (PPA). The regulation provides that “[g]eneral income deductions must be taken in the following order: a personal-needs allowance; a spousal-maintenance-needs allowance; a family-maintenance-needs allowance for qualified family members; a home-maintenance allowance; and health-care coverage and incurred medical and remedial-care expenses.”

At issue in this case is MassHealth's notice that the appellant's patient-paid amount would increase as of January 1, 2023, an action that was prompted by an increase in his monthly Social Security income. MassHealth calculated the PPA by taking the appellant's gross monthly income of \$1,374, and deducting \$72.80 for a personal needs allowance. MassHealth did not find him eligible for any of the other income deductions set forth at 130 CMR 520.026 above. Based on the information in the record, this determination was correct. There is no indication that the appellant qualifies for any of the other specific deductions listed in the regulations. Further, there is no regulatory allowance for the type of expenses (storage or post office box) that the appellant has identified. Accordingly, MassHealth was correct in deducting only the PNA from his income and in calculating the PPA at \$1,301.20.

As there was no error in MassHealth's determination, this 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.

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Rebecca Brochstein  
Hearing Officer  
Board of Hearings

cc: Taunton MEC

