

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2301356
Decision Date:	4/6/2023	Hearing Date:	04/04/2023
Hearing Officer:	Alexis Demirjian		

Appearance for Appellant:



Appearance for MassHealth:

Elizabeth Landry, Taunton, 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:	Disqualifying Transfer
Decision Date:	4/6/2023	Hearing Date:	04/04/2023
MassHealth's Rep.:	Landry	Appellant's Rep.:	████████
Hearing Location:	Remote	Aid Pending:	No

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder. After witnesses were sworn and the Hearing Officer was reviewing exhibits with the parties, it was determined that the Appellant had died on December 18, 2022.

A Request for Fair Hearing was filed with the Board of Hearing (“BOH”) on February 20, 2023, two months after the Appellant had died. The Fair Hearing Request was signed by Tonya Okafor and did not include any corroborative information conferring Ms. Okafor the legal authority to sign on behalf of the Appellant. (See Exhibit 2, p. 1) Accordingly, on February 21, 2023, BOH dismissed the appeal because there was no evidence that Ms. Okafor had the legal authority to sign on behalf of the Appellant. (See Exhibit 2, pp. 2-3) The Appellant was allowed to cure the defect and have the dismissal vacated if she could provide proof that she had written authorization from the MassHealth member/applicant to represent her at hearing. (Id.)

On March 6, 2023, Ms. Okafor sought to have the dismissal vacated by submitting a Permission to Share Information (PSI) form which was dated March 6, 2023. (See Exhibit 2, pp. 5 -8). This form was not signed by anyone other than Ms. Okafor. (Id.) Ms. Okafor in signing this form attested to the fact that she had legal authority to act on behalf of the applicant or member. (Id.) It is important to note that at the time this was signed, the Appellant was deceased and there was no personal representative of the Appellant’s estate. (Id.)

On March 10, 2023, Ms. Okafor submitted an Authorized Representative Designation (“ARD”) naming Ms. Okafor the Appellant’s ARD. (See Exhibit 2, pp. 4) This ARD contains an illegible signature that purports to be that of the Appellant and was signed on December 6, 2022, twelve days before the Appellant’s death. (Id.) Ms. Okafor submitted this form on March 10, 2023, almost three months after the Appellant’s death. (Id.)

On March 17, 2023, Ms. Okafor submitted an additional PSI form to BOH. (See Exhibit 2, pp. 9 -

11). This PSI form named Ms. Okafor as a person whom MassHealth may share information about the Appellant, however the signature of the legal representative was an individual named Brenda Russell. (Id.) The form was signed and dated by Ms. Russell on March 16, 2023. (Id.)

When questioning Ms. Okafor about the discrepancies in the submitted documents, she testified that the Appellant was deceased, and Ms. Russell is the Appellant's daughter. Ms. Okafor acknowledged that at no point did she notify BOH that the Appellant was deceased. She further testified that the family does not intend to have a personal representative appointed and that she was filing this appeal at the request of the nursing facility.

After hearing Ms. Okafor's testimony, it was clear that Ms. Okafor lacked any authority to file the original Fair Hearing Request or represent the interest of the Appellant's estate. For those reasons, the hearing was closed, and this matter is dismissed.

Alexis Demirjian
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Justine Ferreira, Taunton MassHealth Enrollment Center, 21 Spring St., Ste. 4, Taunton, MA 02780, 508-828-4616

Appellant Representative: [REDACTED]