

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2301369
Decision Date:	4/21/2023	Hearing Date:	03/07/2023
Hearing Officer:	Scott Bernard	Record Open to:	04/07/2023

Appearance for Appellant:
[Redacted] *via* telephone

Appearance for MassHealth:
Patricia Rogers (Taunton MEC) *via* telephone



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:	Long Term Care Countable Assets
Decision Date:	4/21/2023	Hearing Date:	03/07/2023
MassHealth's Rep.:	Patricia Rogers	Appellant's Rep.:	██████████
Hearing Location:	Taunton MassHealth Enrollment Center		

Jurisdiction

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder. Through a notice dated January 17, 2023, MassHealth denied the appellant's application for MassHealth LTC benefits because it determined that the appellant's assets exceeded the countable asset limit. (See 130 CMR 520.003; 520.004 and Exhibit (Ex.) 1, p. 2). The appellant filed this appeal in a timely manner on February 17, 2023. (See 130 CMR 610.015(B) and Ex. 1, p. 3). Denial of assistance is valid grounds for appeal. (See 130 CMR 610.032).

At the hearing, the MassHealth representative stated that the appellant's assets exceeded the asset limit by \$6,919.77. (See Ex. 1, p. 2; Ex. 3, p. 4). In response, the appellant's representative stated that the asset had been spent down but that she was waiting for the appellant's daughter to bring in copies of the appellant's bank statements showing this. At the appellant's representative's request, the record was left open until April 6, 2023 for the appellant's representative to submit "...[bank] statements showing that the assets have been spent below the countable asset limit as well as evidence of how those funds were spent..." (Ex. 4). MassHealth was given until April 13, 2023 to respond. (*Id.*). On April 6, 2023, the appellant's representative emailed copies of the requested bank statements¹ to both the MassHealth representative and the hearing officer. (Ex. 5). On April 7, 2023, the MassHealth representative emailed the appellant's representative and the hearing officer stating that the appellant's LTC application was approved with a start date of August 1, 2022. (Ex. 6).

¹ The record open form that the hearing officer sent to both parties does contain the following statement: "For the protection of the applicant, please remember to submit all documents containing personally identifying information (account numbers, social security numbers etc.) by fax or mail only." (Ex. 4).

As no issues on appeal remain in dispute regarding the underlying notice, this matter is DISMISSED pursuant to 130 CMR 610.051(B).

Scott Bernard
Hearing Officer
Board of Hearings

cc:

Justine Ferreira, Taunton MassHealth Enrollment Center, 21 Spring St., Ste. 4, Taunton, MA 02780