

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Dismissed	<b>Appeal Number:</b>	2301911
<b>Decision Date:</b>	11/17/2023	<b>Hearing Date:</b>	04/04/2023
<b>Hearing Officer:</b>	Kimberly Scanlon	<b>Record Open to:</b>	08/02/2023

**Appearance for Appellant:**

*Via telephone*



**Appearance for MassHealth:**

*Via telephone*

Patricia Rogers



*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

<b>Appeal Decision:</b>	Dismissed	<b>Issue:</b>	Eligibility; Over 65; Long-term care; Over asset
<b>Decision Date:</b>	11/17/2023	<b>Hearing Date:</b>	04/04/2023
<b>MassHealth's Rep.:</b>	Patricia Rogers	<b>Appellant's Rep.:</b>	[REDACTED]
<b>Hearing Location:</b>	Taunton MassHealth Enrollment Center Room 2 (Remote)	<b>Aid Pending:</b>	No

### Procedural Background

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder. The issue on appeal was MassHealth's February 15, 2023 denial of the Appellant's long-term care application because MassHealth determined that he was over the allowable asset limits. (130 CMR 520.003; 520.004; Exhibit 1). The Appellant timely appealed on March 9, 2023. (130 CMR 610.015(B); Exhibit 2).

Following the hearing, the record was left open until May 2, 2023 for the Appellant to submit the pertinent spend-down documentation. The record was also left open until May 23, 2023 for MassHealth to review the submitted documentation.<sup>1</sup> (Exhibit 6). The Appellant subsequently requested to further extend the record open period until August 2, 2023.<sup>2</sup> MassHealth subsequently responded that the Appellant's verifications have been received and approved the Appellant's long-term care application, with the original request date of November 24, 2022. (Exhibit 7, p. 1).

As no issue on the appeal of the February 15, 2023 denial notice remains in dispute, this matter is

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<sup>1</sup> The MassHealth representative subsequently went on leave during the record open period. As a result, this appeal was re-assigned to a MassHealth supervisor and to another MassHealth representative. (See, Exhibit 7, p. 10).

<sup>2</sup> There were additional requests made between May through July to further extend the record open period on behalf of the Appellant, due to complications involving the Appellant, his representative, and the nursing facility. All requests were granted. (See, Exhibit 7, pp. 2-13).

dismissed pursuant to 130 CMR 610.051(B).

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Kimberly Scanlon  
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's Representative: [REDACTED]