

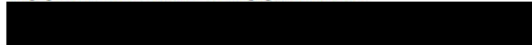
Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2302491
Decision Date:	5/23/2023	Hearing Date:	4/27/2023
Hearing Officer:	Sara E. McGrath		

Appearances for Appellant:



Appearances for MassHealth:

Kristin McMahon, Tewksbury 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

Appeal Decision:	Denied	Issue:	Verifications
Decision Date:	5/23/2023	Hearing Date:	4/27/2023
MassHealth Rep.:	Kristin McMahon	Appellant Rep.:	
Hearing Location:	Board of Hearings (Remote)		

Authority

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

Jurisdiction

Through notice dated March 28, 2023, MassHealth notified the appellant that she is not eligible for MassHealth benefits because she did not give MassHealth the information it needs to decide her eligibility within the required time frame (Exhibit 1). The appellant filed this appeal in a timely manner on March 28, 2023 (130 CMR 610.015(B)). Denial of assistance is a valid ground for appeal (130 CMR 610.032). At the conclusion of hearing, the record was left open until May 11, 2023 for the appellant to submit additional information, and until May 18, 2023 for MassHealth to review and respond.

Action Taken by MassHealth

MassHealth notified the appellant that that she is not eligible for MassHealth benefits because she did not give MassHealth the information it needs to decide her eligibility within the required time frame.

Issue

The appeal issue is whether MassHealth was correct in denying the appellant's application for MassHealth benefits.

Summary of Evidence

The MassHealth representative appeared by telephone and testified to the following chronology: On October 13, 2022, the appellant filed an application for MassHealth long-term care benefits. On October 24, 2022, MassHealth sent the appellant a request for information with a due date in November. MassHealth did not receive a response to this request, and on December 2, 2022, MassHealth sent the appellant a denial notice. The appellant submitted additional documentation on December 13, 2022, and MassHealth relogged the application on that date. On January 24, 2023, MassHealth sent the appellant another request for information, this one with a due date of February 23, 2023. MassHealth did not receive a complete response to this request, and on March 28, 2023, MassHealth sent the appellant the denial notice on appeal (Exhibit 1).

The MassHealth representative identified the following information as still outstanding as of the date of hearing:

- Social Security Number (Please provide proof of your Social Security Number).
- [REDACTED] (Explain and send proof of recurring deposits from [REDACTED] each month of \$246, \$607.84 and \$220.90; verify gross monthly pension income and deductions; send statements 9/1/21 to 6/30/22, 10/1/22 forward until assets at \$2,000 or below; explain and send proof of transactions \$1,000 and up).
- Credit Union Checking Account XXXXXX80-2 (Explain and send proof of source of two deposits on 7/10/22 for \$1,500, deposit on 8/9/22 for \$1,500; for all financial accounts/resources, both open and closed, send monthly statements 9/1/21 to 6/30/22, 10/1/22 forward until assets total \$2,000; explain and send proof of transactions \$1,000 and over, including source of deposits).
- [REDACTED] (All financial accounts/resources, both open and closed, send monthly statements 9/1/21 to 6/30/22, 10/1/22 forward until assets total \$2,000 or below; explain and send proof of transactions \$1,000 and over, including source of deposits).
- [REDACTED] (submit copy of recorded deed, documentation of assessed value of home and proof of amount owed on all properties, both in and out of state, in which the applicant and/or applicant's spouse have/had ownership interest within the past 60 months. If the property was sold, send copy of closing disclosure, proof property was sold at or above fair market value at time of sale, and proof of where funds were disbursed to).

(Exhibit 3, p. 4).

The appellant's representative, an employee of the nursing facility, appeared at the hearing by telephone and testified that the appellant has now been discharged from the facility and has moved to another nursing facility. She explained that the appellant's daughter has not been cooperative and told her that the new nursing facility took care of sending in all the necessary documentation. Upon request, the hearing officer left the record open for the appellant's representative to submit the remaining outstanding documentation (Exhibit 3).

The MassHealth representative informed the hearing officer that the appellant's representative submitted only the discharge SC-1 Form during the record-open period, and that all of the requested documentation remains outstanding (Exhibit 3).

Findings of Fact

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

1. The appellant resides in a skilled nursing facility.
2. On October 13, 2022, the appellant filed an application for MassHealth long-term care benefits.
3. On October 24, 2022, MassHealth sent the appellant a request for information with a due date in November.
4. MassHealth did not receive a response to this request.
5. On December 2, 2022, MassHealth sent the appellant a denial notice.
6. On December 13, 2022, the appellant submitted additional documentation.
7. On December 13, 2022 and MassHealth relogged the application.
8. On January 24, 2023, MassHealth sent the appellant a request for information with a due date of February 23, 2023.
9. MassHealth did not receive a complete response to this request.
10. On March 28, 2023, MassHealth sent the appellant a second denial notice.
11. On March 28, 2023, the appellant timely appealed this denial notice to the Board of Hearings.

12. At a fair hearing held on April 27, 2023, MassHealth submitted a list of all of the missing documentation.
13. Upon request, the hearing officer agreed to leave the record open following the hearing to allow the appellant time to submit the outstanding documentation.
14. During the record-open period, the appellant's representative sent in one item (the discharge SC-1 Form), but did not submit any of the requested documentation, including verification of the appellant's social security number, documentation related to three credit union accounts, and documentation related to property located in New Hampshire.

Analysis and Conclusions of Law

Once an application for MassHealth long-term care benefits has been submitted, the MassHealth agency requests all corroborative information necessary to determine eligibility (130 CMR 516.001). 130 CMR 516.001(B) provides the following with respect to corroborative information:

- (1) The MassHealth agency sends the applicant written notification requesting the corroborative information generally within five days of receipt of the application.
- (2) The notice advises the applicant that the requested information must be received within 30 days of the date of the request, and of the consequences of failure to provide the information.

130 CMR 516.001(C) sets forth the process regarding the receipt of corroborative information, and provides as follows:

If the requested information, with the exception of verification of citizenship, identity, and immigration status, is received within 30 days of the date of the request, the application is considered complete. The MassHealth agency will determine the coverage type providing the most comprehensive medical benefits for which the applicant is eligible. If such information is not received within 30 days of the date of the request, MassHealth benefits may be denied.

Despite being given additional time post-hearing to submit the outstanding documentation, the appellant did not submit all required verifications to MassHealth or the hearing officer. The appellant has therefore not fulfilled her obligations pursuant to 130 CMR 516.001.

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.

Sara E. McGrath
Hearing Officer
Board of Hearings

cc: Tewksbury MassHealth Enrollment Center

[REDACTED]