

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2303493
Decision Date:	10/13/2023	Hearing Date:	05/30/2023
Hearing Officer:	Kimberly Scanlon	Record Open to:	08/21/2023

Appearance for Appellant:

Via telephone

[Redacted], Appeal Representative

Appearance for MassHealth:

Via telephone

Kathy Boileau



*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:	Eligibility; Long-term care; Over 65; Over Asset
Decision Date:	10/13/2023	Hearing Date:	05/30/2023
MassHealth's Rep.:	Kathy Boileau	Appellant's Rep.:	[REDACTED]
Hearing Location:	Taunton MassHealth Enrollment Center Room 2 (Remote)	Aid Pending:	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 March 6, 2023 denial of the Appellant's January 13, 2023 long-term care application because MassHealth determined that the Appellant has more countable assets than MassHealth benefits allow. (130 CMR 520.003; 520.004; Exhibit 1). The Appellant timely appealed on April 28, 2023. (130 CMR 610.015(B); Exhibit 2)

Following the hearing, the record was left open until July 31, 2023 for the Appellant to submit documentation showing that the facility filed a petition for conservatorship. The record was also left open until August 21, 2023 for MassHealth to review the submitted documentation. (Exhibit 6). Additional information was provided to MassHealth. (Exhibit 7). MassHealth subsequently received the necessary documentation and responded on July 5, 2023 that the Appellant was approved as of November 1, 2022.¹ The Appellant's assets were made inaccessible for six (6) months pending conservatorship appointment. (Exhibit 8).

As no issue on the appeal of the March 6, 2023 notice for over assets pursuant to 130 CMR 520.003 and 130 CMR 520.004 remains in dispute, this matter is dismissed pursuant to 130 CMR 610.051(B). Any subsequent denial notices issued by MassHealth may be separately appealed.

¹ The MassHealth representative further responded that the Appellant's Patient Paid Amount (PPA) is \$ 1,424.78 for November 1, 2022 through December 31, 2022 and \$ 1,537.78 beginning on January 1, 2023 through present.

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]