

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2304122
Decision Date:	08/08/2023	Hearing Date:	06/15/2023
Hearing Officer:	Scott Bernard	Record Open to:	06/16/23

Appearance for Appellant:
[Redacted] *via telephone*

Appearance for MassHealth:
Jenn Carroll (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:	Denied	Issue:	Long Term Care (LTC) Start Date
Decision Date:	08/08/2023	Hearing Date:	06/15/2023
MassHealth's Rep.:	Jenn Carroll	Appellant's Rep.:	
Hearing Location:	Taunton MassHealth Enrollment Center		

Authority

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

Jurisdiction

Through a notice dated April 11, 2023, MassHealth approved the appellant's application for MassHealth long term care (LTC) benefits with a start date of November 1, 2022. (See 130 CMR 516.006 and Exhibit (Ex.) 1, pp. 3-4). The appellant, through his representative, filed this appeal in a timely manner on May 18, 2023. (See 130 CMR 610.015(B) and Ex. 1, p. 2). Determination of the coverage start date is valid grounds for appeal. (See 130 CMR 610.032).

Action Taken by MassHealth

MassHealth approved the appellant's application for LTC benefits with a start date of November 1, 2022.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 516.006, in determining that the start date was November 1, 2022.

Summary of Evidence

The appellant is an individual over the age of 65. (Ex. 2). The MassHealth representative stated that the appellant has a spouse living in the community. MassHealth received the appellant's status change form (SC-1) on November 9, 2022. The MassHealth representative stated that MassHealth mailed the appellant the conversion packet on November 15, 2022. MassHealth did not receive the completed conversion packet until February 28, 2023. MassHealth, having received the corroborating verifications on the same date, was able to approve the LTC application back to the first day of the third month prior to February 28, 2023, which was November 1, 2022. The MassHealth representative stated that the appellant's representative has requested an earlier start date, but MassHealth is only permitted to go back as far as it did.

The appellant's representative confirmed that he was looking for earlier start date. The appellant's representative stated that they appealed because they did not receive anything from MassHealth prior to the April notice. If MassHealth had denied the application sooner for failure to provide verifications, the appellant's representative would have appealed at that point to get more time. The appellant's representative stated that the reason they did not submit the completed application sooner was that the appellant's wife was also taking care of her mother and did not have time to provide verifications to submit to MassHealth.

The MassHealth representative replied that the reason there was no MassHealth action prior to February 28 was that MassHealth did not receive anything from the appellant's representative prior to that date. Failure to submit a conversion packet after receipt of an SC-1 would not result in MassHealth issuing an appealable notice. The first actionable step was the submission of the conversion packet on February 28, 2023.

Findings of Fact

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

1. The appellant is an individual over the age of 65. (Ex. 2).
2. The appellant has a spouse living in the community. (Testimony of the MassHealth representative; Testimony of the appellant's representative).
3. MassHealth received the appellant's SC-1 on November 9, 2022. (Testimony of the MassHealth representative).
4. MassHealth mailed the appellant the conversion packet on November 15, 2022. (Testimony of the MassHealth representative).
5. MassHealth did not receive the completed conversion packet until February 28, 2023. (Testimony of the MassHealth representative).

6. MassHealth, having received the corroborating verifications on the same date, was able to approve the LTC application back to the first day of the third month prior to February 28, 2023 which was November 11, 2022. (Ex. 1, pp. 3-4).

Analysis and Conclusions of Law

In order to apply for MassHealth, an individual in need of LTC services while in a nursing facility (or his or her authorized representative) must file a complete paper Senior Application and Supplements or apply in person at a MassHealth Enrollment Center (MEC). (130 CMR 516.001(A)(1)(b)). The date of application is the date the application and corroborative information received by the MassHealth agency. (130 CMR 516.001(A)(2)(a),(b); 516.001(C)). The beginning date of LTC coverage may be retroactive to the first day of the third calendar month before the month of application, if covered medical services were received during such period, and the applicant or member would have been eligible at the time services were provided. (130 CMR 516.006(A)(2)).

The record shows that the nursing facility submitted a status change form to MassHealth on November 9, 2022. As a result, MassHealth sent the appellant a conversion packet on November 15, 2023. Though called a conversion packet, this is just another name for an LTC application when there is receipt of an SC-1 submitted on behalf of an individual already in a nursing facility on a short term basis. Following this, nothing further was received until February 28, 2023. At that time, MassHealth received the completed application and corroborative information. Under the regulations cited above, this was “the application date.” It was from this date that MassHealth correctly determined the start date of coverage. This was the first day of the third month prior to February 28, 2023, which was November 1, 2022. Although the appellant’s representative argued for an earlier date, there is no basis for allowing a date earlier than November 1, 2022. Contrary to the appellant’s representative’s statement, at no point before February 28, 2023 was there any justification for MassHealth to issue an appealable notice.

For the above stated reasons, 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.

Scott Bernard
Hearing Officer
Board of Hearings

cc:

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