

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2306347
Decision Date:	11/6/2023	Hearing Date:	09/26/2023
Hearing Officer:	Scott Bernard	Record Open to:	11/02/2023

Appearance for Appellant:



Appearance for MassHealth:

Scott Michael (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 (LTC)– Assets-Spenddown
Decision Date:	11/6/2023	Hearing Date:	09/26/2023
MassHealth’s Rep.:	Scott Michael	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 July 20, 2023, MassHealth denied the appellant's application for MassHealth LTC benefits because it determined that the appellant had more countable assets than permitted under MassHealth regulations. (See 130 CMR 520.003 and Exhibit (Ex.) 1). The appellant filed this appeal in a timely manner on July 31, 2023. (See 130 CMR 610.015(B) and Ex. 2). Denial of assistance is valid grounds for appeal. (See 130 CMR 610.032). The Board of Hearings initially scheduled the hearing for this appeal for August 28, 2023. (Ex. 4). On August 23, 2023, the appellant requested that the hearing be rescheduled because she had COVID. (Ex. 5). The Board treated this as good cause for requesting a postponement, and therefore rescheduled the hearing to September 26, 2023. (Ex. 6).

At the hearing, the MassHealth representative stated that the appellant submitted an application for LTC benefits on February 8, 2023, which requested LTC benefits begin on January 30, 2023. (Ex. 7). The MassHealth representative also presented evidence that the appellant had assets the value of which exceeded the asset limit for the LTC benefit. (Id.). The appellant's representative requested 30 days to enable the appellant to spend down those assets and submit documentation proving it had occurred. The MassHealth representative requested one week to review the documentation of the spend down the appellant's representative would submit. The hearing officer therefore kept the hearing record open until October 26, 2023 for the appellant and until November 2, 2023 for the MassHealth representative. (Ex. 8). On October 26, 2023, the appellant's representative submitted a 20 page packet to the Board of Hearings and MassHealth containing

the documentation of the spend down. (Ex. 9). On October 30, 2023, the MassHealth representative emailed the hearing officer stating that he had received the proof of the spend down and indicating that he felt that the appeal had been resolved. (Ex. 10).

MassHealth may make an adjustment in the matters at issue during an appeal period. (130 CMR 610.051). If the parties' adjustment resolves one or more of the issues in dispute in favor of the appellant, the hearing officer, by written order, may dismiss the appeal in accordance with 130 CMR 610.035 as to all resolved issues, noting as the reason for such dismissal that the parties have reached agreement in favor of the appellant. (Id.). MassHealth denied the appellant's application for LTC benefits because she had assets the value of which exceeded the asset limit. During the course of the hearing process, the appellant, through her representative, reduced the level of those assets to one which did not exceed the assets limit and submitted proof that she had done so. The MassHealth representative confirmed that he received this proof, indicating that he felt that the appeal was resolved. The sole issue under consideration in this appeal has been resolved in the appellant's favor.

For the above stated reasons the appeal is DISMISSED

Order for MassHealth

Proceed with the next step in the eligibility process. If the next step is an approval, the approval should be from January 30, 2023. If the next step is not an approval, MassHealth should continue to use the February 8, 2023 application as the basis for any future determinations concerning this eligibility process.

Implementation of this Decision

If this decision is not implemented within 30 days after the date of this decision, you should contact your MassHealth Enrollment Center. If you experience problems with the implementation of this decision, you should report this in writing to the Director of the Board of Hearings, at the address on the first page 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