

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2307003
Decision Date:	10/18/2023	Hearing Date:	09/05/2023
Hearing Officer:	Kimberly Scanlon	Record Open to:	09/19/2023

Appearance for Appellant:

Via telephone



Appearance for MassHealth:


Via telephone

Kristin Boisvert



*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 Asset; Over 65
Decision Date:	10/18/2023	Hearing Date:	09/05/2023
MassHealth's Rep.:	Kristin Boisvert	Appellant's Rep.:	
Hearing Location:	Tewksbury MassHealth Enrollment Center Room 1 (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 April 5, 2023 denial of the Appellant's January 27, 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 or about May 1, 2023. (130 CMR 610.015(B); Exhibit 2).¹

Following the hearing, the record was left open until September 12, 2023 for the Appellant to submit documentation showing how the assets were reduced. The record was also left open until September 19, 2023 for MassHealth to review the submitted documentation. (Exhibit 16). The Appellant's outstanding documentation was subsequently provided to MassHealth. (Exhibit 17).

¹ The Appellant's representative (spouse) initially attempted to fax the fair hearing request form and pertinent documentation to the Board of Hearings (hereinafter "BOH") on May 2, 2023. Said documentation was not received until August 11, 2023. (See, Exhibit 2). The Appellant's appeal request was dismissed upon receipt thereof because the request was not received within the time specified (60 days after receiving official written notice of action). (See, 130 CMR 610.015). The Appellant's representative submitted a written request to revoke the dismissal, including a facsimile confirmation indicating that she faxed the fair hearing request form on May 2, 2023. (See, Exhibit 5, p. 1; Exhibit 6). The BOH scheduled a hearing to address the issue of timeliness. (See, Exhibit 5, p. 2; Exhibit 13). The Appellant did not realize that she inadvertently faxed the incorrect number (she was one (1) digit off) to the BOH on May 2, 2023 because the fax was delivered without issue. (See, Exhibit 6).


The MassHealth representative responded on September 19, 2023 that she received the Appellant's outstanding verifications and agreed to honor the Appellant's original application date. (Exhibit 18, p. 1).²

As no issue on the appeal of the April 5, 2023 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.

Kimberly Scanlon
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Sylvia Tiar, Tewksbury MassHealth Enrollment Center, 367 East Street, Tewksbury, MA 01876-1957, 978-863-9290



² The MassHealth representative further requested completion of a Preferred Remainder Beneficiary form. The Appellant's representative attempted to submit a completed form via secure e-mail, to which the MassHealth representative replied that she is unable to open secure e-mail messages. The MassHealth representative explained that all verifications must be faxed to the main office. (See, Exhibit 18, p. 1; Exhibit 19).