

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2311314
Decision Date:	01/19/2024	Hearing Date:	12/05/2023
Hearing Officer:	Alexandra Shube	Record Open to:	01/09/2024

Appearance for Appellant:

Via telephone:



Appearance for MassHealth:

Via telephone:

Brianna Debitetto, Tewksbury MEC



*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:	LTC – Verifications; Over 65
Decision Date:	01/19/2024	Hearing Date:	12/05/2023
MassHealth's Rep.:	Brianna Debitetto	Appellant's Rep.:	
Hearing Location:	Tewksbury MassHealth Enrollment Center Remote	Aid Pending:	No

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 September 13, 2023, MassHealth denied the appellant's application for MassHealth benefits because the appellant failed to submit all requested information needed to determine the appellant's eligibility within the required time frame (Exhibit 1). The appellant filed this appeal in a timely manner on November 10, 2023 (see 130 CMR 610.015(B) and Exhibit 2). Denial of assistance is valid grounds for appeal (see 130 CMR 610.032).

At the request of the appellant, the record was held open until January 9, 2024.

Action Taken by MassHealth

MassHealth denied the appellant's application for MassHealth benefits for failure to submit requested verifications in a timely manner.

Issue

The appeal issue is whether MassHealth was correct in determining that the appellant failed to submit requested verifications in a timely manner.

Summary of Evidence

The representatives for the appellant and MassHealth both appeared at hearing via telephone. The MassHealth representative testified as follows: the appellant is over the age of 65, and a resident of a nursing facility. On May 30, 2023, MassHealth received an application for long-term care benefits with a requested start date of March 10, 2023. On June 8, 2023, MassHealth issued a request for information. MassHealth did not receive the requested information, and on September 13, 2023, it issued a denial for failure to provide required verifications within the time allowed, which is the notice under appeal. As of hearing, the following documents were still outstanding: two most recent tax returns; current statement for private pension confirming gross amount received; current statement for medical insurance showing current premium bill; life insurance verifications; copy of vehicle registration; statements from February 1, 2022 through December 31, 2022 for savings account ending in 4-00, providing proof of source for all deposits and supporting documentation and explanation for all disbursements over \$1,000; statements from February 1, 2022 through December 31, 2022 for checking account ending in 4-20, providing proof of source for all deposits and supporting documentation and explanation for all disbursements over \$1,000¹; statements from February 1, 2022 through December 31, 2022 for account ending in 4-05, providing proof of source for all deposits and supporting documentation and explanation for all disbursements over \$1,000.

The MassHealth representative stated that on December 1, 2023, she received the nursing facility documents and some duplicative bank statements, but still needed the statements for the time period requested.

The appellant's representative did not dispute that verifications were still outstanding. She stated that she has some of what is being requested, but is still collecting a lot of it. The appellant's nephew, who was supposed to be assisting in this, has not been very helpful. She requested a record open period to obtain the outstanding verifications.

The record was initially held open until December 22, 2023 for the appellant to submit verifications and until January 5, 2024 for MassHealth to review and respond. On December 21, 2023, the appellant requested additional time and was granted an extension until January 5, 2024.

¹ For account ending 4-20, MassHealth also specifically requested an explanation and supporting documentation for withdrawals on January 6, 2023, February 1, 2023, and March 22, 2023 for \$1,654; April 3, 2023 for \$2,682.62; May 1, 2023 for \$3,308; and May 1, 2023 for \$1,100; for deposit on May 2, 2023 for \$1,402.75; and proof of ownership of credit card payment made on April 5, 2023.

MassHealth was given until January 19, 2024 to review and respond. On January 9, MassHealth responded to the appellant and this hearing officer via email that the following verifications requested were still outstanding: the two most recent tax returns; current statement for private pension confirming gross amount received; current statement for medical insurance showing current premium; life insurance verifications (no documents received); copy of vehicle registration (the document submitted was notification of registration suspension that did not confirm the vehicle owned by the appellant); for account ending in 4-20, proof of source of deposit received May 2, 2023 for \$1,402.75. Additionally, based on information from documents submitted, MassHealth required more information on the following: bank statements for savings account ending 7753 from February 1, 2022 through May 16, 2023, providing proof of source of all deposits and supporting documentation and explanation for all disbursements over \$1,000, and bank account ending 4-20, deposit from a brokerage account on February 18, 2022 for \$7,751.63, provide supporting documentation for the brokerage account not previously reported. There was no additional response from the appellant's representative. Thus, upon MassHealth's response, the record closed on January 9, 2024.

Findings of Fact

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

1. The appellant is over 65, and a resident of a nursing facility (Testimony and Exhibit 4).
2. On May 30, 2023, MassHealth received an application for long-term care benefits with a requested start date of March 10, 2023 (Testimony and Exhibit 4).
3. On June 8, 2023, MassHealth issued a request for information, but did not receive the requested verifications (Testimony and Exhibit 4).
4. On September 13, 2023, MassHealth issued a denial notice for failure to provide all requested verifications within the required time frame (Testimony and Exhibit 1).
5. On November 10, 2023, the appellant timely appealed the denial notice (Exhibit 2).
6. As of hearing, the following verifications remained outstanding: two most recent tax returns; current statement for private pension confirming gross amount received; current statement for medical insurance showing current premium bill; life insurance verifications; copy of vehicle registration; statements from February 1, 2022 through December 31, 2022 for savings account ending in 4-00, providing proof of source for all deposits and supporting documentation and explanation for all disbursements over \$1,000; statements from February 1, 2022 through December 31, 2022 for checking account ending in 4-20, providing proof of source for all deposits and supporting documentation and explanation for all

disbursements over \$1,000; statements from February 1, 2022 through December 31, 2022 for account ending in 4-05, providing proof of source for all deposits and supporting documentation and explanation for all disbursements over \$1,000.

7. At the request of the appellant, the record was held open until December 22, 2023 for the appellant to submit the missing verifications and until January 5, 2024 for MassHealth to review and respond to the appellant's submission (Testimony and Exhibit 5).
8. On December 21, 2023, the appellant requested an extension of the record open period which was granted. The appellant was given until January 5, 2024 to submit verifications and MassHealth, until January 19, 2024 to review and respond (Exhibit 6).
9. On January 9, 2024, the MassHealth representative stated that the following requested verifications were still outstanding: the two most recent tax returns; current statement for private pension confirming gross amount received; current statement for medical insurance showing current premium; life insurance verifications (no documents received); copy of vehicle registration (the document submitted was notification of registration suspension that did not confirm the vehicle owned by the appellant); for account ending in 4-20, proof of source of deposit received May 2, 2023 for \$1,402.75 (Exhibit 6).
10. There was no additional request for an extension or response from the appellant's representative and the record closed with MassHealth's response on January 9, 2024 (Exhibit 6).

Analysis and Conclusions of Law

Pursuant to 130 CMR 515.008(A), an "applicant or member must cooperate with the MassHealth agency in providing information necessary to establish and maintain eligibility..." After receiving an application for MassHealth benefits, MassHealth proceeds as follows:

The MassHealth agency requests all corroborative information necessary to determine eligibility.

(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(B)). "If the requested information...is received [by MassHealth] within 30 days of the date of the request, the application is considered complete....If such information is

not received within 30 days of the date of the request, MassHealth benefits may be denied.” (130 CMR 516.001(C).)

MassHealth denied the appellant’s application for failure to submit all requested information needed to determine the appellant’s eligibility within the required time frame. The appellant was granted a record open period and an extension of the record open period. At the close of the record open period, MassHealth still did not receive all the requested documents. As the appellant has failed to submit all requested verifications, this 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.

Alexandra Shube
Hearing Officer
Board of Hearings

cc:

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

