

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2311416
Decision Date:	02/09/2024	Hearing Date:	12/14/2023
Hearing Officer:	Kimberly Scanlon		

Appearance for Appellant:



Appearance for MassHealth:

Via telephone

Jessica Melendez – Charlestown 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:	Eligibility; Over 65
Decision Date:	02/09/2024	Hearing Date:	12/14/2023
MassHealth's Rep.:	Jessica Melendez	Appellant's Rep.:	<i>Pro se</i>
Hearing Location:	Charlestown MassHealth Enrollment Center (Remote)	Aid Pending:	Yes

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 October 31, 2023, MassHealth notified the appellant that he is not eligible for home and community-based waiver services. The notice also states that the appellant's MassHealth coverage is ending on November 14, 2023 because he requested that his health-care benefits be stopped (Exhibit 1). The appellant filed this appeal in a timely manner on November 8, 2023 (Exhibit 2). Termination of assistance is valid grounds for appeal (130 CMR 610.032). The appellant's benefits were protected during the pendency of the appeal.

Action Taken by MassHealth

MassHealth notified the appellant that he is not eligible for waiver services and that his coverage is ending on November 14, 2023.

Issue

The appeal issue is whether MassHealth was correct in terminating the appellant's benefits.

Summary of Evidence

The MassHealth representative and the appellant both appeared telephonically. The MassHealth representative testified as follows: The appellant is a single individual who is over the age of 65 and lives in the community. Prior to the issuance of the notice on appeal, the appellant was receiving MassHealth Standard and Buy In benefits. On October 31, 2023, MassHealth received notification from a local elder service agency that the appellant had been clinically approved for a home and community-based waiver (the frail elder waiver). On that same date, MassHealth notified the appellant that he is not eligible for the waiver and that his benefits would end on November 14, 2023 (Exhibit 1). The MassHealth representative clarified that the reason for termination is that the appellant did not submit a senior application.¹ She explained that when a member turns 65, MassHealth requires the submission of a senior application.² This application requests verification of information not previously required, including asset information. She stated that she mailed a senior application to the appellant on November 24, 2023. To date, however, MassHealth has not received a completed senior application from the appellant.

The appellant expressed frustration and confusion about the application process. He stated that he met with his case manager at [REDACTED] and completed all the necessary forms. He therefore thought his case was all set. He clarified that he completed a supplement and sent it in to MassHealth. He explained that he has received multiple copies of multiple notices, which has caused confusion. He received a large booklet in the mail but because it did not include instructions, he did not complete it. The appellant noted that he has serious medical issues, including HIV, and takes expensive medication.

The MassHealth representative responded and explained that the booklet referenced by the appellant is in fact the senior application. She stated that the supplement referenced by the appellant is part of the waiver application; that application was processed and approved. She stated that even though the appellant has been clinically approved for the frail elder waiver, he still needs to submit a complete senior application. Once MassHealth receives it, MassHealth will process the application and make an eligibility determination.

¹ It is unclear why the notice states that he requested that his benefits be stopped.

² The MassHealth representative explained that the appellant turned 65 last year, but due to the public health emergency related to the pandemic, his benefits were protected for a period.

Findings of Fact

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

1. The appellant is a single individual who is over the age of 65 and lives in the community.
2. Prior to the issuance of the notice on appeal, the appellant was receiving MassHealth Standard and Buy In benefits.
3. On October 31, 2023, MassHealth received notification from a local elder service agency that the appellant had been clinically approved for a home and community-based waiver (the frail elder waiver).
4. On October 31, 2023, MassHealth notified the appellant that he is not eligible for the waiver and that his benefits would end on November 14, 2023.
5. On November 8, 2023, the appellant timely appealed this MassHealth determination.
6. As of the date of hearing on December 14, 2023, the appellant had not submitted a complete senior application.

Analysis and Conclusions of Law

130 CMR 515.000 through 522.000 provide the MassHealth requirements for persons who are institutionalized, 65 years of age or older, or who would be institutionalized without community-based services. Per 130 CMR 516.001(A)(1)(a), these individuals must file a complete paper senior application.

As an individual over the age of 65, the above regulations apply to the appellant. It is undisputed that the appellant has not submitted a senior application.³ Without it, MassHealth is unable to determine his continued eligibility for MassHealth benefits. Because appellant has not demonstrated that he has submitted a complete senior application, MassHealth did not err in terminating his benefits. In light of the confusion around the termination reason, the appellant will have an additional 30 days to submit a completed senior application before his benefits are terminated.

The appeal is denied.

³ Post-hearing, the MassHealth representative confirmed that the appellant's senior application was never received (Exhibit 6).

Order for MassHealth

Keep aid pending protection in place for 30 days to allow the appellant additional time to submit the senior application. Rescind aid pending 30 days from the date of this decision.

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.

Kimberly Scanlon
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Nga Tran, Charlestown MassHealth Enrollment Center, 529 Main Street, Suite 1M, Charlestown, MA 02129