

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2312284 and 2401354
<b>Decision Date:</b>	04/05/2024	<b>Hearing Date:</b>	02/26/2024
<b>Hearing Officer:</b>	Christine Therrien	<b>Record Open to:</b>	04/02/2024

**Appearance for Appellant:**



**Appearance for MassHealth:**

Kelly Souza, Taunton



*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

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	LTC - PPA
<b>Decision Date:</b>	04/05/2024	<b>Hearing Date:</b>	02/26/2024
<b>MassHealth's Rep.:</b>	Kelly Souza	<b>Appellant's Rep.:</b>	[REDACTED]
<b>Hearing Location:</b>	Taunton MassHealth Enrollment Center - Telephonic		

### 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 11/3/23, MassHealth notified the appellant that his patient-paid amount would change from \$0 to \$1,415.36 on 3/1/24 because of a change in his circumstances. (130 CMR 530.026 and Exhibit 1a). The appellant filed this appeal in a timely manner on 11/30/24. (130 CMR 610.015(B) and Exhibit 2a). Through a notice dated 1/8/24, MassHealth approved the appellant's application for MassHealth Long Term Care benefits beginning 3/1/23, with a patient-paid amount of \$2,820.04 a month. (130 CMR 530.026 and Exhibit 1b). The appellant filed this appeal in a timely manner on 1/26/24. (130 CMR 610.015(B) and Exhibit 2b). Denial of assistance is valid grounds for appeal. (130 CMR 610.032).

### Action Taken by MassHealth

The appellant was found eligible for MassHealth as of 3/1/23, with a Patient Paid Amount (PPA) of \$2,820.04.

### Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 520.026 in approving

the appellant's application for MassHealth long-term care benefits with a \$2,820.04 PPA effective 3/1/23.

## Summary of Evidence

The appellant's representative testified that the appellant was admitted to a nursing facility in [REDACTED]. The MassHealth representative testified that MassHealth approved the appellant with a start date of 3/1/23 based on his 9/23/22 application date. The MassHealth representative testified that MassHealth determined the appellant's PPA by adding his monthly Social Security income of \$1,196 and his monthly rental income reported on his application of \$1,901 (total income of \$3,097) and then deducting the personal needs allowance of \$72.80 and his guardianship fees of \$204.16 (total deductions of \$276.96) to arrive at a PPA of \$2,820.04 a month. The MassHealth representative testified that she was not the original intake worker for this case, but she had a conversation with the appellant's representative about the rental income being incorrect. The MassHealth representative testified that if she receives the appellant's 2023 tax return indicating the correct rental income for the year the PPA can be adjusted to reflect the actual rental income in 2023 back to the 3/1/23 start date.

The appellant's representative testified that she has a meeting with the accountant she uses to prepare tax returns and will submit the 2023 tax return if the record is left open. The record was left open until 3/26/24 for the appellant to submit the 2023 tax return or to notify the hearing officer that she needed additional time. The MassHealth representative testified that she needed a week to review the information, so the record was left open until 4/2/24 for this review. Nothing was received from the appellant's representative and the appellant did not request additional time before the hearing record closed on 4/2/24.

## Findings of Fact

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

1. The appellant was admitted to a nursing facility in [REDACTED].
2. MassHealth approved the appellant with a start date of 3/1/23 based on his 9/23/22 application date.
3. MassHealth determined that the appellant's PPA by adding his monthly Social Security income of \$1,196 and his monthly rental income as reported on his application of \$1,901 (total income of \$3,097) and then deducting the personal needs allowance of \$72.80 and his guardianship fees of \$204.16 (total deductions of \$276.96) to arrive at a PPA of \$2,820.04 a month.

4. MassHealth requested the appellant's 2023 tax return to determine the correct rental income for the year.
5. The PPA can be adjusted to reflect the actual rental income in 2023 back to the 3/1/23 start date.
6. The record was left open until 3/26/24 for the appellant to submit the 2023 tax return or to notify the hearing officer that she needed additional time.
7. The record was left open until 4/2/24 for MassHealth to review the submitted documents.
8. Nothing was received from the appellant's representative and the appellant did not request additional time before the hearing record closed on 4/2/24.

## **Analysis and Conclusions of Law**

Once an individual has been determined a long-term facility resident MassHealth will establish a PPA which is the amount that a member in a long-term care facility must contribute to the cost of care under the laws of the Commonwealth of Massachusetts. An individual's gross earned and unearned income, less certain business expenses and standard income deductions is referred to as the countable income amount used for determining a PPA. (130 CMR 520.009(A)(1)). The MassHealth regulations concerning income deductions allow certain deductions to be made from the member's monthly patient-paid amount. The general income deductions must be taken in the following order: a personal-needs allowance; a spousal-maintenance-needs allowance; a family-maintenance-needs allowance for qualified family members; a home-maintenance allowance; and health-care coverage and incurred medical and remedial-care expenses. (130 CMR 520.0026).

The record establishes that the appellant has been a long-term care recipient. MassHealth determined the appellant's PPA by adding his monthly Social Security income of \$1,196 and his monthly rental income of \$1,901 (total income of \$3,097) and then deducting the personal needs allowance of \$72.80 and his guardianship fees of \$204.16 (total deductions of \$276.96) to arrive at a PPA of \$2,820.04 a month.

The appellant's representative neither submitted the requested verifications to prove the PPA is incorrect nor requested an extension for the record open period. Since the appellant has not provided the verifications necessary to contradict the PPA that MassHealth calculated, 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.

---

Christine Therrien  
Hearing Officer  
Board of Hearings

cc:

MassHealth Representative: Justine Ferreira, Taunton MassHealth Enrollment Center