

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Approved/ Dismissed	Appeal Number:	2312577
Decision Date:	1/23/2024	Hearing Date:	01/03/2024
Hearing Officer:	Thomas J. Goode	Record Open to:	01/19/2024

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Alain Michel, 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:	Approved/ Dismissed	Issue:	Verification; Over 65
Decision Date:	1/23/2024	Hearing Date:	01/03/2024
MassHealth's Rep.:	Alain Michel	Appellant's Rep.:	Pro se
Hearing Location:	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 November 24, 2023, MassHealth notified Appellant that MassHealth benefits would terminate on December 8, 2023 because MassHealth determined that Appellant had not submitted information needed to decide her MassHealth eligibility (130 CMR 515.008 and Exhibit 1). Appellant filed this appeal in a timely manner on December 5, 2023 (130 CMR 610.015(B) and Exhibit 2). Termination of assistance is valid grounds for appeal (130 CMR 610.032). Appellant has been receiving aid pending the outcome of the appeal (130 CMR 610.036). The hearing record remained open until January 19, 2024.

Action Taken by MassHealth

MassHealth notified Appellant that MassHealth benefits would terminate on December 8, 2023 because MassHealth determined that Appellant had not submitted information needed to decide her MassHealth eligibility.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 515.008, in determining that Appellant had not submitted information needed to decide her MassHealth

eligibility.

Summary of Evidence

Through a notice dated November 24, 2023, MassHealth notified Appellant that MassHealth benefits would terminate on December 8, 2023 because MassHealth determined that Appellant had not submitted information needed to decide her MassHealth eligibility. The MassHealth representative testified that a renewal application was received on August 16, 2023. Appellant is over 65 years of age and lives in the community. Requests for verification issued on August 19, 2023, with a due date of November 17, 2023. On November 6, 2023, Appellant submitted asset documentation. A second request for verification of proof of income and a revocable trust issued on November 8, 2023. Appellant filed an appeal on December 5, 2023, and has been receiving aid pending which is protecting MassHealth Standard coverage. At hearing, MassHealth asserted that trust documentation remained outstanding. The hearing record remained open until January 3, 2024 for Appellant to submit trust documents to MassHealth. Documentation was received by MassHealth, and MassHealth responded that additional trust documents and asset verification was necessary to determine eligibility (Exhibit 7). The hearing record-open period was extended to January 19, 2024 to allow Appellant to submit additional documentation, which was timely received (Exhibit 6). MassHealth reviewed all documentation submitted by Appellant during the record-open period and determined that it had received all outstanding verification of assets and trust documentation necessary to determine Appellant's MassHealth eligibility (Exhibit 5).

Appellant testified that she has submitted requested documentation several times and expressed frustration with MassHealth's repeated requests for the same documentation.

Findings of Fact

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

1. Through a notice dated November 24, 2023, MassHealth notified Appellant that MassHealth benefits would terminate on December 8, 2023 because MassHealth determined that Appellant had not submitted information needed to decide her MassHealth eligibility.
2. A renewal application was received on August 16, 2023.
3. Appellant is over 65 years of age, and lives in the community.
4. Requests for verification issued on August 19, 2023, with a due date of November 17, 2023. On November 6, 2023, Appellant submitted asset documentation.

5. A second request for proof of income and a revocable trust issued on November 8, 2023.
6. Appellant filed an appeal on December 5, 2023, and has been receiving aid pending which is protecting MassHealth Standard coverage pending the outcome of a hearing.
7. The hearing record remained open until January 3, 2024 for Appellant to submit trust documents to MassHealth. Documentation was received, and MassHealth responded that additional trust documents and asset verification were necessary to determine eligibility.
8. The hearing record-open period was extended to January 19, 2024 to allow Appellant to submit additional documentation, which was timely received. MassHealth reviewed all documentation submitted by Appellant and determined that it had received all outstanding verification of assets and trust documentation necessary to determine Appellant's MassHealth eligibility.

Analysis and Conclusions of Law

An applicant or member must cooperate with the MassHealth agency in providing information necessary to establish and maintain eligibility and must comply with all the rules and regulations of MassHealth, including recovery and obtaining or maintaining other health insurance (130 CMR 515.008 (A)). The applicant or member must report to the MassHealth agency, within ten days or as soon as possible, changes that may affect eligibility. Such changes include, but are not limited to, income, assets, inheritances, gifts, transfers of and proceeds from the sale of real or personal property, distributions from or transfers into trusts, address, availability of health insurance, immigration status, and third-party liability (130 CMR 515.008(B)).

For an individual living in the community, an individual or his or her authorized representative must file a complete paper Senior Application and all required Supplements or apply in person at a MassHealth Enrollment Center (MEC) (130 CMR 516.001(A)(1)(a)). Pursuant to 130 CMR 516.001(B), the MassHealth agency requests all corroborative information necessary to determine eligibility. The MassHealth agency sends the applicant written notification requesting the corroborative information generally within five days of receipt of the application. 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. If the requested information, with the exception of verification of citizenship, identity, and immigration status, is received within 30 days of the date of the request, the application is considered complete. The MassHealth agency will determine the coverage type providing the most comprehensive medical benefits for which the applicant is eligible. 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)).

Appellant, who is over 65 years of age and lives in the community, submitted a renewal application on August 16, 2023. Through a notice dated November 24, 2023, MassHealth notified Appellant that MassHealth benefits would terminate on December 8, 2023 because MassHealth determined that Appellant had not submitted information needed to decide her MassHealth eligibility. Requests for verification were issued by MassHealth and Appellant submitted additional documentation that was determined to be incomplete. During a hearing record-open period, Appellant submitted additional documentation and MassHealth determined that it had received all outstanding verification of assets and trust documentation necessary to determine Appellant's MassHealth eligibility. Pursuant to 130 CMR 610.071(A)(2), the hearing officer may not exclude evidence at the hearing for the reason that it had not been previously submitted to the acting entity, provided that the hearing officer may permit the acting entity representative reasonable time to respond to newly submitted evidence. The effective date of any adjustments to the appellant's eligibility status is the date on which all eligibility conditions were met, regardless of when the supporting evidence was submitted. The MassHealth agency or the acting entity may make an adjustment in the matters at issue before or during an appeal period. 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 (130 CMR 610.051(B)). Because Appellant has submitted to MassHealth all information needed to determine MassHealth eligibility, the parties have reached resolution of all matters relating to the appeal of the November 24, 2023 notice. Therefore, pursuant to 130 CMR 610.051, 610.035(A)(8), the appeal is APPROVED and DISMISSED.

Order for MassHealth

Rescind aid pending, and determine eligibility based on the renewal application dated August 16, 2023.

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.

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.

Thomas J. Goode
Hearing Officer
Board of Hearings

cc:

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