

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2312655
Decision Date:	2/5/2024	Hearing Date:	01/04/2024
Hearing Officer:	Susan Burgess-Cox	Record Open to:	01/12/2024

Appearance for Appellant:



Appearance for MassHealth:

Irmalyn Hernandez



*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
Decision Date:	2/5/2024	Hearing Date:	01/04/2024
MassHealth's Rep.:	Irmalyn Hernandez	Appellant's Rep.:	
Hearing Location:	All Parties Appeared by Telephone	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 November 27, 2023, MassHealth denied the appellant's application for long-term care benefits for failure to provide information necessary to complete the application. (130 CMR 516.001; Exhibit 1). The appellant's attorney-in-fact filed a timely appeal on December 6, 2023. (130 CMR 610.015(B); Exhibit 2; Exhibit 3). The appellant's attorney-in-fact submitted a document naming an appeal representative. (Exhibit 4). A hearing was scheduled for January 4, 2024 and at the request of the parties, the record was held open until January 12, 2024. (Exhibit 5; Exhibit 6).

Denial of assistance is valid grounds for appeal. (130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied the appellant's application for MassHealth benefits for failure to provide information necessary to complete the application. (130 CMR 516.001).

Issue

Whether MassHealth was correct in denying the appellant's application for failure to provide information necessary to complete the application.

Summary of Evidence

MassHealth received a request for the appellant to convert from community-based coverage to long-term care coverage as of August 3, 2023. On August 22, 2023, MassHealth issued a notice seeking information necessary to complete the eligibility determination. The appellant was provided more than 90 days to provide the information necessary to determine eligibility for long-term care. MassHealth did not receive all the information necessary to determine eligibility by the due date. On November 27, 2023, MassHealth issued a notice denying coverage as they failed to receive information necessary to determine eligibility for long-term care.

The notice on appeal lists three specific bank accounts from which MassHealth did not receive information. At hearing, the appellant's representative testified that they sent all of the information on December 15, 2023. The MassHealth representative noted that the agency still did not have all of the information necessary to determine eligibility. At the request of the appellant's representative, the record was held open until January 5, 2024 to provide the information necessary to determine eligibility. (Exhibit 6).

During the record open period, the appellant's representative provided information from one of the two banks listed in the notice on appeal. (Exhibit 7). The MassHealth representative responded that they still required information from the other bank account listed on the request for information and notice on appeal. (Exhibit 8). The MassHealth representative noted that the agency received documents regarding that account prior to the hearing date but the documents only show a transaction history and not a beginning and ending balance on the account. (Exhibit 8). MassHealth determined that the information provided from that account was not sufficient for the agency to determine eligibility.

Findings of Fact

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

1. MassHealth received a request for the appellant to convert from community-based coverage to long-term care coverage as of August 3, 2023.
2. On August 22, 2023, MassHealth issued a notice seeking information necessary to complete the eligibility determination.
3. The appellant was provided more than 90 days to provide the information necessary to determine eligibility for long-term care.
4. MassHealth did not receive all the information necessary to determine eligibility by the due date.

5. On November 27, 2023, MassHealth issued a notice denying coverage as they failed to receive information necessary to determine eligibility for long-term care.
6. As of the hearing date, MassHealth had not received information necessary to determine eligibility for long-term care.
7. As of the end of a record open period, MassHealth had not received information necessary to determine eligibility for long-term care.

Analysis and Conclusions of Law

MassHealth administers and is responsible for the delivery of health-care services to MassHealth members. (130 CMR 515.002). The regulations governing MassHealth at 130 CMR 515.000 through 522.000 (referred to as Volume II) provide the requirements for noninstitutionalized persons aged 65 or older, institutionalized persons of any age, persons who would be institutionalized without community-based services, as defined by Title XIX of the Social Security Act and authorized by M.G.L. c. 118E, and certain Medicare beneficiaries. (130 CMR 515.002). The appellant in this case is an institutionalized person. Therefore, the regulations at 130 CMR 515.000 through 522.000 apply to this case. (130 CMR 515.002).

Pursuant to 130 CMR 515.008, applicants or members must cooperate with MassHealth in providing information to establish and maintain eligibility and must comply with all of the rules and regulations governing MassHealth, including recovery. MassHealth may request additional information and documentation, if necessary, to determine eligibility. (130 CMR 516.001).

To obtain the necessary information and documentation, MassHealth sends the applicant written notification requesting verifications to corroborate information necessary to determine eligibility, generally within five days of the receipt of the application. (130 CMR 516.001(B)). The notice advises the applicant that the requested verifications 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)). Under the regulations, if the requested information, with the exceptions of verification of immigration status, is not provided within 30 days of the date of the request, MassHealth benefits may be denied. (130 CMR 516.001(C)). In March 2023, to align timelines for Modified Adjusted Gross Income (MAGI) and non-MAGI populations, MassHealth extended the number of days for non-MAGI members and applicants to send MassHealth verifications and information necessary for an eligibility determination from 30 days to 90 days. (Eligibility Operations Memo 23-09).

In this case, the appellant was provided with the appropriate 90 days to provide the information necessary for an eligibility determination. As of the date of the notice on appeal, the appellant had not provided that information. The appellant's representative did not

dispute the fact that the appellant received proper notices requesting information. (130 CMR 516.001).

The record was held open to give the appellant the opportunity to provide information necessary to determine eligibility. (Exhibit 6). During the record open period, MassHealth did not receive all the information necessary to determine eligibility. (Exhibit 7; Exhibit 8).

MassHealth acted within its discretion to deny the appellant's application for long-term care coverage. (130 CMR 516.001(C)). The decision made by MassHealth was correct.

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.

Susan Burgess-Cox
Hearing Officer
Board of Hearings

cc:

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

Appellant Representative: [REDACTED]

Appellant Representative: [REDACTED]