

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2400673
Decision Date:	3/21/2024	Hearing Date:	02/06/2024
Hearing Officer:	Sara E. McGrath, BOH Deputy Director		

Appearances for Appellant:



Appearances for MassHealth:

Jamie Lapa, Springfield MEC



*Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
Board of Hearings
100 Hancock Street
Quincy, MA 02171*

APPEAL DECISION

Appeal Decision:	Denied	Issue:	Verifications
Decision Date:	3/21/2024	Hearing Date:	02/06/2024
MassHealth Rep.:	Jamie Lapa	Appellant Rep.:	
Hearing Location:	Springfield MassHealth Enrollment Center		

Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder.

Jurisdiction

Through notice dated November 22, 2023, MassHealth notified the appellant that she is not eligible for MassHealth benefits because she did not give MassHealth the information it needs to decide her eligibility within the required time frame (Exhibit 1). The appellant filed this appeal in a timely manner on January 12, 2024 (130 CMR 610.015(B)). Denial of assistance is valid grounds for appeal (130 CMR 610.032). At the conclusion of hearing, the record was left open for a brief period for the appellant to submit additional information and for MassHealth to review and respond.

Action Taken by MassHealth

MassHealth notified the appellant that that she is not eligible for MassHealth benefits because she did not give MassHealth the information it needs to decide her eligibility within the required time frame.

Issue

The appeal issue is whether MassHealth was correct in denying the appellant's application for MassHealth benefits.

Summary of Evidence

The MassHealth representative appeared by telephone and testified to the following chronology: On August 11, 2023, the appellant filed an application for MassHealth long-term care benefits seeking a coverage start date of July 1, 2023. On August 17, 2023, MassHealth sent the appellant a request for information. MassHealth did not receive a complete response to this request, and on November 2, 2023, MassHealth sent the appellant the denial notice on appeal (Exhibit 1).

The MassHealth representative testified that the appellant sold a home in 2020. MassHealth seeks a copy of the HUD settlement statement to verify that a large deposit (over \$77,000) into one of the appellant's bank accounts represents the proceeds from that sale. She stated that if the home sold for less than its assessed value, MassHealth also needs a copy of an appraisal or letter from a real estate agent explaining why the home sold for a lower price.

The appellant's representative appeared by telephone and explained that the appellant has not been willing to produce the HUD settlement statement, likely because she is worried about MassHealth assessing a transfer penalty based on the sales price. The appellant's representative requested additional time so that she could meet with the appellant's real estate attorney to try to obtain the HUD settlement statement.

The appellant did not submit the HUD settlement statement during the record-open period. Instead, the appellant's representative requested that MassHealth compare the assessed value (\$190,110.00) to the large deposit (\$77,897.42) and consider the difference a disqualifying transfer (Exhibit 5). MassHealth responded and stated that the HUD settlement statement is needed to verify the exact sales price, and to verify that there were no additional transfers (which would be evident from various line-item deductions on the HUD form).

Findings of Fact

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

1. The appellant resides in a skilled nursing facility.
2. On August 11, 2023, the appellant filed an application for MassHealth long-term care benefits.
3. On August 17, 2023, MassHealth sent the appellant a request for information.

4. MassHealth did not receive a complete response to this request.
5. On November 22, 2023, MassHealth sent the appellant a denial notice.
6. On January 12, 2024, the appellant timely appealed this denial notice to the Board of Hearings.
7. At a fair hearing held on February 6, 2024, MassHealth indicated that the only remaining missing documentation was the HUD settlement statement from a 2020 home sale; this document was requested to verify the purchase price as well as the proceeds due to the appellant.
8. Upon request, the hearing officer agreed to leave the record open following the hearing to allow the appellant time to submit the outstanding documentation.
9. During the record-open period, the appellant's representative did not submit the HUD settlement statement any other reliable documentation with the information that MassHealth is seeking.

Analysis and Conclusions of Law

Once an application for MassHealth long-term care benefits has been submitted, the MassHealth agency requests all corroborative information necessary to determine eligibility (130 CMR 516.001). 130 CMR 516.001(B) provides the following with respect to corroborative information:

- (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(C) sets forth the process regarding the receipt of corroborative information, and provides as follows:

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.

At issue in this case is MassHealth's denial of the appellant's application based on her failure to submit information needed to process her application. Specifically, MassHealth seeks a copy of a HUD settlement statement related to a 2020 real estate sale. MassHealth argues that it needs this document to verify the purchase price and other information about the home sale. The appellant concedes that this document is missing but argues that it is not needed to process her application.

MassHealth's argument – that it needs a document to establish the sales price and the amount the appellant was due from the sale – is persuasive. Without it, MassHealth has no way to accurately determine whether there were any disqualifying transfers. The appellant has not produced the HUD settlement statement, or any other reliable documentation, with the information that MassHealth is seeking. The appellant's argument – that MassHealth should forego the HUD statement and instead use the difference between the assessed value and a large bank deposit to calculate a disqualifying transfer – is not compelling. The assessed value of the property does verify the sales price, or the other information sought by MassHealth.

The appellant has not fulfilled her obligations pursuant to 130 CMR 516.001, and the 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.

Sara E. McGrath
Deputy Director
Board of Hearings

cc: Springfield MassHealth Enrollment Center



