

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Approved; Dismissed	Appeal Number:	2400971
Decision Date:	03/01/2024	Hearing Date:	02/12/2024
Hearing Officer:	Emily Sabo	Record Open to:	03/04/2024

Appearance for Appellant:



Appearance for MassHealth:

Jenny Chan, Quincy 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:	Long Term Care; Over 65; Application and Start Date
Decision Date:	03/01/2024	Hearing Date:	02/12/2024
MassHealth's Rep.:	Jenny Chan	Appellant's Rep.:	
Hearing Location:	Quincy Harbor South (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 January 11, 2024, MassHealth notified the Appellant that it had approved her for MassHealth Long-Term-Care Services in a Nursing Facility effective November 14, 2023. MassHealth determined that the Appellant was ineligible between May 16, 2023, to November 13, 2023, because of a transfer of assets. 130 CMR 520.518, 130 CMR 520.519, and Exhibit 1. The Appellant filed a timely fair hearing request to "preserve [the] original start date" on January 19, 2024. 130 CMR 610.015(B) and Exhibit 2.

The hearing was conducted telephonically, and the Appellant's representative verified the Appellant's identity. The MassHealth representative testified that the Appellant is over the age of 65, has a household size of two, and a spouse who lives in the community. The MassHealth representative testified that payment had been requested, dating back to May 16, 2023, but that there was an ineligibility period due to a transfer of assets. The MassHealth representative testified that MassHealth had received some verifications on January 29, 2024, which resulted in MassHealth determining an earlier eligibility date of October 8, 2023.

The record was held open until February 26, 2024 for the Appellant's representative to submit evidence regarding the transfer of assets. The record was held open until March 4, 2024, for

MassHealth to review and respond. On February 29, 2024, the MassHealth representative responded and stated that she had received the documentation needed, and that the new eligibility date is May 21, 2023. Exhibit 7. The MassHealth representative stated that, “[t]here is a penalty time period between 5/16/23 to 5/20/23 due to transfer of assets of \$2000 reported given as a gift. The approval letter has been generated and will go out in the mail soon.” *Id.*

Because MassHealth reviewed the submitted evidence and adjusted the eligibility start date, there are no longer any issues in dispute before the Board of Hearings. Therefore, this appeal is dismissed. 130 CMR 610.035(A)(8).¹

Order for MassHealth

If MassHealth has not already done so, send the Appellant and Appellant’s representative the revised approval letter.

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.

Emily Sabo
Hearing Officer
Board of Hearings

cc: MassHealth Representative: Quincy MEC, Attn: Appeals Coordinator, 100 Hancock Street, Quincy, MA 02171

cc: [REDACTED]

¹ If the Appellant disputes MassHealth’s new approval letter, that letter will include instructions on how to file a request for a fair hearing.