

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2403329
<b>Decision Date:</b>	5/3/2024	<b>Hearing Date:</b>	04/01/2024
<b>Hearing Officer:</b>	Christopher Jones	<b>Record Open to:</b>	04/22/2024

**Appearance for Appellant:**



**Appearance for MassHealth:**

Victoria Ragbir – Charlestown 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

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	Over-65; LTC Intake; Verifications
<b>Decision Date:</b>	5/3/2024	<b>Hearing Date:</b>	04/01/2024
<b>MassHealth's Rep.:</b>	Victoria Ragbir	<b>Appellant's Rep.:</b>	
<b>Hearing Location:</b>	Telephonic	<b>Aid Pending:</b>	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 25, 2024, MassHealth denied the appellant's application for long-term-care services because the appellant did not give MassHealth information it needs to determine his eligibility. (Exhibit 1; 130 CMR 515.008.) The appellant filed this appeal in a timely manner on March 5, 2024. (Exhibit 1; 130 CMR 610.015(B).) Denial of assistance is valid grounds for appeal. (130 CMR 610.032.)

Following the hearing, the record was left open until April 22 for the appellant to submit missing verifications. MassHealth was allowed until May 6 to review and respond to any verifications submitted.

### Action Taken by MassHealth

MassHealth denied the appellant's September 2023 application for long-term-care services because the appellant failed to submit required resource verifications.

### Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 515.008 and 516.001, in determining that the appellant is ineligible for coverage for failing to cooperate and verify resources.

## Summary of Evidence

An application for long-term-care services was submitted on the appellant's behalf on September 14, 2023. MassHealth sent a checklist of required verifications to the appellant on October 5, 2023, including bank statements, documentation from the nursing facility, and proof of the community spouse's expenses. When the required verifications were not received, MassHealth sent out the appealed denial notice on January 25, 2024. At the hearing, MassHealth's representative explained that, as of the hearing, they had received some bank statements, but that they were not complete statements. Otherwise, she did not even know the date the applicant entered the nursing facility or the date the facility was requesting coverage.

The appellant's representative is an employee of the nursing facility. He testified that he has only become involved with the application since the denial notice was sent out. He has been working with the appellant and their community spouse, but the appellant's spouse believes that she has already submitted everything needed and is very frustrated by the process. One of the accounts is also in the appellant's name alone, and he therefore needs to call in order to get the documents needed for verify the resources in that account. The appellant's representative believed that he would be able to get all of the needed documents quickly and requested that the record be left open.

The record was left open for the appellant until April 22, 2024, to submit the requested documents or request an extension of the record open period. No documents were received by either MassHealth or the hearing officer.

## Findings of Fact

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

- 1) The appellant applied for long-term-care services in September 2023. (Testimony by MassHealth's representative.)
- 2) MassHealth sent the appellant a list of documents the agency needed in order to process the application in October 2023, and MassHealth denied the application on January 25, 2024, when no documents were received. (Testimony by MassHealth's representative; Exhibit 1.)
- 3) The record was left open for the appellant until April 22, 2024, to submit the requested documents. The appellant's representative never responded. (Exhibit 4.)

## Analysis and Conclusions of Law

MassHealth members must establish financial eligibility, which includes showing that their assets are below a threshold and that they reduced their assets in accordance with state and federal law. (See 130 CMR 520.000.) To qualify for long-term-care benefits, an applicant must complete an application and cooperate with the MassHealth agency by submitting corroborative information. (See 130 CMR 516.001(B).) If the requested verifications are received within 30 days, “the application is considered complete” and MassHealth continues to “determine the coverage type ... for which the applicant is eligible.” (130 CMR 516.001(C).) MassHealth may deny an application where the member has failed to provide requested information within 30 days. (130 CMR 516.001(C).) If some, but not all, of the requested information is received within 30 days of the denial, MassHealth deems the date of receipt to be the date of reapplication, and the agency will send out a new verification request. If a MassHealth member fails to cooperate with MassHealth and submit the documentation requested, MassHealth will deny the member’s application. (See 130 CMR 515.008(C).)

The appellant failed to submit all requested information and cooperate with MassHealth during the processing of their application and failed to submit requested verifications despite an extension afforded through the fair hearing process. For this reason, 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.

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Christopher Jones  
Hearing Officer  
Board of Hearings

cc: MassHealth Representative: Nga Tran, Charlestown MassHealth Enrollment Center, 529 Main Street, Suite 1M, Charlestown, MA 02129  
Appellant’s Rep: [REDACTED]