

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Approved; Remanded	Appeal Number:	2406819
Decision Date:	07/30/2024	Hearing Date:	06/12/2024
Hearing Officer:	Emily Sabo	Record Open to:	06/26/2024

Appearance for Appellant:



Appearance for MassHealth:

Rhiannon Wojick, 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; Remanded	Issue:	Long-Term Care; Coverage Start Date
Decision Date:	07/30/2024	Hearing Date:	06/12/2024
MassHealth's Rep.:	Rhiannon Wojick	Appellant's Rep.:	
Hearing Location:	Tewksbury MassHealth Enrollment Center (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 March 5, 2024, MassHealth notified the Appellant that she was not eligible for MassHealth Long-Term-Care Services in a Nursing Facility due to her income and assessing a deductible. 130 CMR 520.009, 130 CMR 520.028, and Exhibit 1. The Appellant's representative filed a timely fair hearing request on April 30, 2024. 130 CMR 610.015(B) and Exhibit 2.

Summary of Evidence

The hearing was conducted telephonically, and the Appellant's representative verified the Appellant's identity. The MassHealth representative testified that the Appellant was over the age of 65. The MassHealth representative testified that MassHealth had received verification that the Appellant's deductible was met, but there was an issue with the system processing the verifications. The MassHealth representative explained that she and her supervisor had reported the problem.

The Appellant's representative testified that she disputed MassHealth stating that the application was received January 2, 2024. The Appellant's representative testified that it had been sent to be

received by the end of December 2023 to preserve a September 1, 2023 coverage start date.

The record was held open until June 19, 2024, for the Appellant's representative to provide evidence regarding the delivery of the application, and until June 26, 2024, for the MassHealth representative to review and respond. On June 13, 2024, the Appellant's representative provided a postage receipt and tracking showing that the application was received on December 30, 2023. Exhibit 4. Upon inquiry from the hearing officer, on July 1, 2024, the MassHealth representative responded that verification had been received and a new appeal decision has been made. *Id.*

Findings of Fact

1. The appellant is over age 65 and is a resident of a long-term care facility.
2. The appellant filed an application for long-term care coverage with MassHealth on December 30, 2023 (Exh. 4).
3. The appellant produced all verifications needed to MassHealth, but MassHealth had a technical problem processing the verifications (Testimony).
4. On March 5, 2024, MassHealth sent the appellant written notice that she had more countable income than MassHealth benefits allow, and advising her that she can meet a six-month deductible of \$47,773.00 to qualify for Standard coverage (Exh. 1).
5. The appellant filed a timely appeal of the March 5, 2024 notice with the Board of Hearings on April 30, 2024 (Exh. 2).
6. The appellant is challenging the date her long-term care application was received by MassHealth (*Id.*).

Analysis and Conclusions of Law

A MassHealth applicant or member must cooperate with MassHealth in providing information necessary to establish and maintain eligibility, and must comply with all the rules and regulations of the MassHealth program including recovery (130 CMR 515.008(A)). Once an application for benefits is received, MassHealth requests all corroborative information necessary to determine eligibility, 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(B)). If the requested information is not received, MassHealth benefits may be denied (130 CMR 516.001(C)).

In particular, MassHealth regulation 130 CMR 516.001(A), "Filing an Application," states:

(1) Application. **To apply for MassHealth**

(a) for an individual living in the community, an individual or his or her authorized representative must file a Senior Application online at www.MAHealthConnector.org, complete a paper application, complete a telephone application, or apply in person at a MassHealth Enrollment Center (MEC).

(b) for an individual in need of long-term-care services in a nursing facility, a person or his or her authorized representative must file a complete paper Senior Application and Supplements or apply in person at a MassHealth Enrollment Center (MEC).

(Emphasis added)

Pursuant to 130 CMR 516.006, "Coverage Date:"

(A) Start Date of Coverage.

(1) For individuals applying for coverage, the date of coverage for MassHealth is determined by the coverage type for which the applicant may be eligible. 130 CMR 519.000: MassHealth: Coverage Types describes the rules for establishing this date.

(2) The begin date of MassHealth Standard, Family Assistance, or Limited coverage may be retroactive to the first day of the third calendar month before the month of application, if covered medical services were received during such period, and the applicant or member would have been eligible at the time services were provided. If more than one application has been submitted and not denied, the begin date will be based on the earliest application that is approved. Retroactive eligibility does not apply to services rendered under a home- and community-based services waiver provided under section 1915(c) of the Social Security Act.

...

I find that the Appellant has provided proof that her long-term care application was received on December 30, 2023. Therefore, the MassHealth notice stating that the application was filed on January 2, 2024, is incorrect, and the appeal is approved and remanded.¹

Order for MassHealth

The matter is remanded to MassHealth to consider the Appellant's application as received on December 30, 2023. Using the December 30, 2023 application date, determine whether the Appellant is otherwise eligible as of September 2023.

¹ At the hearing, the MassHealth representative testified that MassHealth had received the verification that the Appellant's deductible was met. As that issue is no longer in dispute, it is hereby dismissed.

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

[REDACTED]

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