

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2408746
Decision Date:	10/3/2024	Hearing Date:	6/21/2024
Hearing Officer:	Cynthia Kopka	Record Open to:	9/13/2024

Appearance for Appellant:



Appearance for MassHealth:

Rhiannon Wojick, for Kim McAvinchey,
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:	Denied	Issue:	Long term care, verifications
Decision Date:	10/3/2024	Hearing Date:	6/21/2024
MassHealth's Rep.:	Rhiannon Wojick, for Kim McAvinchey	Appellant's Rep.:	[REDACTED]
Hearing Location:	Tewksbury (remote)	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

By notice dated May 6, 2024, MassHealth denied Appellant's application for MassHealth because Appellant failed to submit required information. Exhibit 1. Appellant filed this appeal in a timely manner on June 3, 2024. Exhibit 2, 130 CMR 610.015(B). Denial of assistance is a valid basis for appeal. 130 CMR 610.032. The hearing record was held open and extended at Appellant's request through September 13, 2024 for Appellant to submit additional evidence and for MassHealth to respond. Exhibit 5.

Action Taken by MassHealth

MassHealth denied Appellant's application for MassHealth benefits because Appellant failed to submit required verifications.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 515.008, in denying Appellant's application for failure to provide requested verifications.

Summary of Evidence

A MassHealth eligibility representative appeared by phone and testified as follows. MassHealth received Appellant's application for long-term care benefits on January 19, 2024. MassHealth issued a request for information on January 29, 2024. Exhibit 4 at 1. On April 5, 2024, MassHealth processed Appellant's verification submissions, including bank statements that revealed previously undisclosed deposits from a brokerage. MassHealth issued an updated information request. *Id.* On May 6, 2024, MassHealth denied Appellant's application for failing to submit the corroborative information requested. Exhibit 1. In order to process Appellant's application, MassHealth needed additional information verifying the deposits from a brokerage, including a pension stub if the deposits were related to a pension. *Id.*

Appellant's representative appeared by phone and testified as follows. Appellant's representative was having difficulty getting information regarding the brokerage deposits because Appellant could not remember the answers to security questions to access her account. Appellant did not have access to her cell phone while at the facility. Appellant has left the facility and is home now with access to statements. Appellant's representative requested that the record be held open through July 17, 2024 to obtain the remaining verifications. Exhibit 5. Appellant's representative requested an extension of the record open after Appellant was hospitalized and subsequently sent to another facility. The extension was granted through August 30, 2024 for Appellant to provide the verifications, and through September 13, 2024 for MassHealth to review and respond. *Id.*

On September 11, 2024, Appellant's representative reported that Appellant stopped cooperating, requesting a written decision. Exhibit 6.

Findings of Fact

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

1. On January 19, 2024, MassHealth received Appellant's application for long-term care benefits.
2. On January 29, 2024, MassHealth issued a request for information to Appellant.
3. On April 5, 2024, MassHealth processed Appellant's verification submissions, including bank statements that revealed previously undisclosed deposits from a brokerage. MassHealth issued an updated information request.
4. On May 6, 2024, MassHealth denied Appellant's application for failing to submit the corroborative information requested, including but not limited to verification of the brokerage deposits. Exhibit 1.

5. Appellant filed this appeal on June 3, 2024. Exhibit 2.
6. To date, MassHealth has not received verification of the brokerage deposits.

Analysis and Conclusions of Law

An individual applying for MassHealth long term care benefits (or the individual's authorized representative) must submit a complete application and all required supplements. 130 CMR 516.001(A)(1). Pursuant to 130 CMR 515.008(A), an "applicant or member must cooperate with the MassHealth agency in providing information necessary to establish and maintain eligibility." After receiving an application for MassHealth benefits, MassHealth proceeds as follows:

The MassHealth agency requests all corroborative information necessary to determine eligibility.

- (1) The MassHealth agency sends the applicant written notification requesting the corroborative information generally within five days of the 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(B). "If the requested information...is received [by MassHealth] within 30 days of the date of the request, the [application] is considered complete...If such information is not received within 30 days of the date of the request, MassHealth benefits may be denied" 130 CMR 516.001(C).

MassHealth received Appellant's application on January 19, 2024 and requested information on January 29 and April 5, 2024. Appellant's representative was unable to provide the requested information by the August 30, 2024 record open deadline.

Appellant has not met the requirements of 130 CMR 515.008(A) and 130 CMR 516.001(C) by providing the corroborative information necessary for MassHealth to determine eligibility. Accordingly, 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.

Cynthia Kopka
Hearing Officer
Board of Hearings

cc: [REDACTED]

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