

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2410302
Decision Date:	11/1/2024	Hearing Date:	July 23, 2024
Hearing Officer:	Stanley M. Kallianidis	Record Open Date:	October 23, 2024

Appellant Representative:



MassHealth Representative:

Donovan Sorhaindo, Taunton



*Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
Board of Hearings
100 Hancock Street, 6th Floor
Quincy, MA 02171*

APPEAL DECISION

Appeal Decision:	Denied	Issue:	Verifications
Decision Date:	11/1/2024	Hearing Date:	July 23, 2024
MassHealth Rep.:	Donovan Sorhaindo	Record Open Date:	October 23, 2024

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 June 26, 2024, MassHealth indicated that it was terminating the appellant's MassHealth benefits on July 10, 2024 because MassHealth determined that the verification process had not yet been completed (see 130 CMR 515.008 and Exhibit 1). The appellant filed this appeal in a timely manner on July 2, 2024 (see 130 CMR 610.015 and Exhibit 2). Denial of assistance is valid grounds for appeal (see 130 CMR 610.032).

The appellant was granted aid-pending benefits pending the outcome of the appeal (Exhibit 2).

On July 12, 2024, a hearing notice was sent to the parties (Exhibit 3).

Action Taken by MassHealth

MassHealth planned on stopping the appellant's MassHealth benefits.

Issue

Pursuant to 130 CMR 515.008, has the appellant provided MassHealth with the requested verifications necessary for a determination of her eligibility for long-term care benefits?

Summary of Evidence

The MassHealth representative testified that on March 12, 2024 the appellant filed her application for long-term care benefits following a long-term care conversion in January 2024. A verification request was sent out to the appellant. The verifications were not submitted, and a Notice of Termination was issued on June 26, 2024 (Exhibit 1). The missing verifications at issue in this case were the appellant's bank accounts and IRA account (Exhibit 1).

The appellant's representative requested additional time to provide the missing information because a conservator was being appointed for her.

The record was left open for two months for the appellant's representative to obtain conservatorship over the appellant and to submit the requested verification to MassHealth. The record was further extended another month at the appellant's request (Exhibits 4 & 5).

During the record-open period, the appellant's representative requested yet another extension as the conservatorship had been appointed on September 25, 2024 and more time was needed to provide the needed documents. The request to extend the record any further than October 23, 2024 was denied (Exhibit 5).

At the close of the record-open period a MassHealth representative who reviewed the case on behalf of the original MassHealth representative indicated that no verifications were received relating to the appellant's case during this time (Exhibit 6).

Findings of Fact

Based on a preponderance of the evidence, I find:

1. On March 12, 2024, the appellant filed her application for long-term care benefits following a long-term care conversion in January 2024 (Exhibit 1).
2. On June 26, 2024, a Notice of Termination was issued denied due to a failure to provide requested verifications (Exhibit 1).
3. The missing verifications at issue were the appellant's bank accounts and IRA account (Exhibit 1).
4. The record was left open for a total of three months, two months plus a one month extension, for the appellant's representative to submit the requested verifications to MassHealth (Exhibit 4).
5. The appellant's representative requested a further extension to the record-open period. which the hearing officer denied (Exhibit 5).

6. No verifications were received relating to the appellant's case during the record-open period (Exhibit 6).

Analysis and Conclusions of Law

The 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)). If the requested information is not received, MassHealth benefits may be denied (130 CMR 516.001).

In the instant appeal, I have found that the appellant's MassHealth long-term care application was filed on March 12, 2024 following a long-term care conversion in January 2024. On June 26, 2024, a Notice of Termination was issued denied due to a failure to provide requested verifications.

At hearing, the MassHealth representative indicated that the missing verifications at issue were the appellant's bank accounts and IRA account.

Despite the record being left open for three months total, the appellant's representative was unable to provide any information about these accounts to MassHealth.

Based upon the regulations cited above, and where the appellant was unable to provide MassHealth with the requested information during a record-open period, the appellant is not entitled to a reopening of her application and the termination of June 26, 2024 must stand.

The appeal is therefore denied.

Order for MassHealth

Proceed as planned.

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.

Stanley M. Kallianidis
Hearing Officer
Board of Hearings

cc:



Taunton MEC