

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2411272
Decision Date:	09/27/2024	Hearing Date:	08/19/2024
Hearing Officer:	Marc Tonaszuck	Record Open to:	09/27/2024

Appearance for Appellant:




Appearance for MassHealth:

Jamie Lapa



*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:	09/27/2024	Hearing Date:	08/19/2024
MassHealth's Rep.:	Jamie Lapa	Appellant's Rep.:	
Hearing Location:	Springfield MassHealth Enrollment Center	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 05/23/2024, MassHealth informed the appellant that it reviewed his application for MassHealth and that he is not eligible because she failed to submit verifications (130 CMR 515.008; Exhibit 1). On 07/19/2024, a timely appeal was filed on the appellant's behalf (130 CMR 610.015(B); Exhibits 2 and 4). Denial of assistance is valid grounds for appeal (130 CMR 610.032).

A fair hearing took place before the Board of Hearings on 08/19/2024. At the fair hearing, the appellant's representatives requested additional time to submit verifications. Their request was granted and the record remained open in this matter until 09/20/2024 for their submission and until 09/27/2024 for MassHealth's response (Exhibit 6). No submission was made during the record open period.

Action Taken by MassHealth

MassHealth denied the appellant's application for Long Term Care (LTC) benefits for failure to submit requested verifications.

Issue

The issue is whether or not the requested verifications were submitted to MassHealth.

Summary of Evidence

The MassHealth representative testified telephonically that the appellant submitted an application for MassHealth long term care (LTC) benefits on 02/05/2024, seeking a MassHealth benefit start date of 10/13/2023. As part of the eligibility process, MassHealth sent to the appellant a request for information (VC-1), seeking verifications. As of the date of the fair hearing, not all of the requested verifications have been received by MassHealth. The missing verifications are the following:

- [REDACTED] - Verify the source of ALL deposits from 9/18/19 through present (there are too many to list individually), verify disposition of ALL withdrawals of \$1000 or more from 9/18/19 through present (too many to list individually). These were previously requested but not received.
- Real Estate located in [REDACTED] - Submit copy of HUD settlement statement and verify disposition of funds received. Only the first page of the HUD was received but it is illegible. Please submit a clear copy of all pages and verify disposition of funds received. Pictures of documents tend to be illegible when faxed.
- [REDACTED] - Submit statements from 4/16/19 through present, verifying source of all deposits. Verify disposition of all withdrawals of \$1000 or more.
- The Nursing Facility Screen is missing the second page. Please resubmit all pages.

(Exhibit 5.)

Two representatives from the skilled nursing facility testified that they were in the process of providing the verifications to MassHealth, but they requested additional time to submit them. Their request was granted, and the record remained open for the appellant's submission until 09/20/2024 and for MassHealth's response until 09/27/2024 (Exhibit 6.)

The appellant made no submission to the hearing record during the record open period.

Findings of Fact

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

1. The appellant applied for MassHealth long term care benefits on 02/05/2024, seeking a

MassHealth benefit start date of 10/13/2023.

2. MassHealth sent to the appellant a request for information (VC-1), seeking information necessary to make an eligibility determination.
3. On 05/13/2024, MassHealth denied the appellant's application for benefits because it did not receive the requested verifications.
4. The appellant submitted a request for a fair hearing on 07/19/2024.
5. A fair hearing took place before the Board of Hearings on 08/19/2024.
6. As of the date of the fair hearing, the appellant did not provide the following verifications:
 - [REDACTED] - Verify the source of ALL deposits from 9/18/19 through present (there are too many to list individually), verify disposition of ALL withdrawals of \$1000 or more from 9/18/19 through present (too many to list individually). These were previously requested but not received.
 - [REDACTED] - Submit copy of HUD settlement statement and verify disposition of funds received. Only the first page of the HUD was received but it is illegible. Please submit a clear copy of all pages and verify disposition of funds received. Pictures of documents tend to be illegible when faxed.
 - [REDACTED] - Submit statements from 4/16/19 through present, verifying source of all deposits. Verify disposition of all withdrawals of \$1000 or more.
 - The Nursing Facility Screen is missing the second page. Please resubmit all pages.

(See Exhibit 5.)

7. At the fair hearing, the appellant's appeal representatives requested additional time to provide the missing verifications. Their request was granted and the record remained open in this matter until 09/20/2024 for the appellant's submission and until 09/27/2024 for MassHealth's response.
8. The appellant made no submission to the hearing record during the record open period.

Analysis and Conclusions of Law

MassHealth regulations at 130 CMR 515.008 address responsibilities of applicants and members as follows:

- (A) Responsibility to Cooperate. The applicant or member must cooperate with the

MassHealth agency in providing information necessary to establish and maintain eligibility, and must comply with all the rules and regulations of MassHealth, including recovery and obtaining or maintaining other health insurance.

Regulations at 130 CMR 516.001(B) address corroborative information 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 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.

This appeal involves a denial of MassHealth LTC benefits based on the appellant's failure to provide requested verifications within the regulatory time frame. MassHealth sent a request for verifications to the appellant, requesting certain documents and information to establish eligibility for LTC benefits. The appellant failed to provide all of the requested information, and on 05/23/2024, MassHealth denied the appellant's application for failure to provide verifications.

At the fair hearing, the appellant's representatives requested additional time to provide the missing verifications. Their request was granted; however, the appellant provided nothing during the record open period.

The requested verifications were not received by MassHealth. As a result, pursuant to the above regulations, MassHealth's denial of the appellant's application is supported by the facts in the record. This appeal is therefore 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.

Marc Tonaszuck
Hearing Officer
Board of Hearings

[REDACTED]

[REDACTED]

[REDACTED]

MassHealth Representative: Dori Mathieu, Springfield MassHealth Enrollment Center, 88
Industry Avenue, Springfield, MA 01104