

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Approved	Appeal Number:	2412841
Decision Date:	11/12/2024	Hearing Date:	September 3, 2024
Hearing Officer:	Stanley M. Kallianidis		

Appellant Representative:



MassHealth Representative:

Maria Piedade, 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:	Approved	Issue:	Coverage start date
Decision Date:	11/12/2024	Hearing Date:	September 3, 2024
MassHealth Rep.:	Maria Piedade	Appellant Rep.:	

Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder.

Jurisdiction

Notice dated August 2, 2024 was sent to the appellant stating that MassHealth had approved her application for MassHealth long-term care benefits with eligibility beginning on February 1, 2024 (Exhibit 1). The appellant filed her appeal on August 20, 2024 and, therefore, it is timely (see Exhibit 2 and 130 CMR 610.015). The appeal was held on the MassHealth start date. A dispute over the start date for MassHealth is grounds for appeal (130 CMR 610.032).

Notice of the hearing date was sent on August 21, 2024 (Exhibit 3).

Action Taken by MassHealth

MassHealth determined the appellant's eligibility date to be February 1, 2024.

Issue

May the appellant, pursuant to 130 CMR 516.006 and 516.007, qualify for MassHealth prior to February 1, 2024?

Summary of Evidence

The MassHealth representative testified that the appellant was a MassHealth conversion from community to long-term care MassHealth. MassHealth received the appellant's SC-1 admission form on September 26, 2023. On December 21, 2023, a conversion request was sent to the appellant at her facility. On January 23, 2024, the appellant sent a Senior Supplement A long-term care application to MassHealth. The MassHealth representative further testified that MassHealth did not receive the appellant's complete conversion application until May 23, 2024 (Exhibit 4).

The MassHealth representative explained that the appellant's long-term care case was not approved until February 1, 2024, due to the regulations that only allow for a maximum of three months retroactive eligibility. The MassHealth representative stated that the appellant was given specific notice of the requirement to submit a completed application in the conversion packet that was sent to her (Exhibit 1).

The appellant's representative testified that the appellant is seeking MassHealth long-term care eligibility beginning December 12, 2023. She indicated that she did not receive the conversion packet until April 2024. She argued that the date that the partial application that was sent in, the Senior Supplement A long-term care application, should be used as the application date to determine the appellant's eligibility.

Findings of Fact

Based on a preponderance of the evidence, I find:

1. The appellant was a MassHealth conversion from community to long-term care and is seeking MassHealth long-term care eligibility beginning December 12, 2023 (Exhibit 2 and testimony).
2. MassHealth received the appellant's SC-1 admission form on September 26, 2023 (Exhibit 4 and testimony).
3. On December 21, 2023, a conversion request was sent to the appellant at her facility (Exhibit 4 and testimony).
4. On January 23, 2024, the appellant sent a Senior Supplement A long-term care application to MassHealth (Exhibit 4 and testimony).
5. MassHealth did not receive the appellant's complete conversion application until May 23, 2024 (Exhibit 4).

6. Notice dated August 2, 2024 was sent to the appellant stating that MassHealth had approved her application for MassHealth long-term care benefits with eligibility beginning on February 1, 2024 (Exhibit 1).

Analysis and Conclusions of Law

130 CMR 516.007(C)(3) Review Form for Individuals in Need of Long-term-care Services in a Nursing Facility.

If the individual needs long-term-care services in a nursing facility and his or her continued eligibility cannot be determined based on reliable information contained in his or her account or electronic data match with federal and state agencies, a written update of the member's circumstances on a prescribed form must be completed.

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.

In the instant appeal, I have found that MassHealth approved the appellant's application for MassHealth long-term care benefits with eligibility beginning on February 1, 2024. The appellant was a MassHealth conversion from community to long-term care and is seeking MassHealth long-term care eligibility beginning December 12, 2023.

I have further found that MassHealth received the appellant's SC-1 admission form on September 26, 2023, and on December 21, 2023, a conversion request was sent to the appellant at her facility. On January 23, 2024, the appellant sent a Senior Supplement A long-term care application to MassHealth. The appellant's complete conversion application was not sent in until May 23, 2024, and it was this latter date that was used as the appellant's application date.

In accordance with 130 CMR 516.006, eligibility for MassHealth long-term care is limited to the first day of the third month prior to the application date. I conclude that, where on January 23, 2024, the appellant sent a Senior Supplement A long-term care application to MassHealth, and there is nothing in the regulations that requires a completed application to determine the application filing date, this earlier date should be used in determining the appellant's eligibility.

Accordingly, given a January 23, 2024 application date and the retroactive coverage allowed in 130 CMR 516.006, the appellant is potentially eligible for benefits as of her requested December 12, 2023 start date.

The appeal is therefore approved.

Order for MassHealth

Redetermine the appellant's eligibility for long-term care benefits using an application date of January 23, 2024.

Implementation of this Decision

If this decision is not implemented within 30 days after the date of this notice, you should contact your local office. 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.

Stanley M. Kallianidis
Hearing Officer
Board of Hearings

cc:

Taunton MEC

