

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



| | | | |
|-------------------------|--------------------|-----------------------|------------|
| Appeal Decision: | Denied | Appeal Number: | 2413150 |
| Decision Date: | 11/12/2024 | Hearing Date: | 09/27/2024 |
| Hearing Officer: | Christine Therrien | | |

Appearance for Appellant:



Appearance for MassHealth:

Shauna Post, Springfield



*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: | PPA Calculation |
| Decision Date: | 11/12/2024 | Hearing Date: | 09/27/2024 |
| MassHealth's Rep.: | Shauna Post | Appellant's Rep.: | Son |
| Hearing Location: | Springfield MassHealth Enrollment Center Telephonic | | |

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 8/20/24, MassHealth adjusted the appellant's patient-paid amount (PPA) from \$272.20 to \$1,527.20 beginning on 9/1/24 for MassHealth Long Term Care benefits. (Exhibit 1). The appellant filed this appeal in a timely manner on 8/23/24. (130 CMR 610.015(B) and Exhibit 2). MassHealth determinations regarding the scope or amount of assistance are valid grounds for appeal (130 CMR 610.032).

Action Taken by MassHealth

MassHealth calculated the appellant's PPA as \$1,527.20 effective 9/1/24.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 520.014, in determining that the appellant's PPA is \$1,527.20 effective 9/1/24.

Summary of Evidence

The appellant is over the age of 65. MassHealth received a long-term care application on 2/26/24 and a completed SC-1 Form with a short-term stay screen until 8/30/24. The appellant was admitted to a nursing facility on [REDACTED] 24. MassHealth allowed a PPA deduction for maintenance of the appellant's home in the amount of \$1,255.00 while he was screened as short-term, making his PPA \$272.20. The MassHealth representative testified that a new SC-1 Form was received for the appellant, with a long-term care screen beginning on 9/1/24. MassHealth determined the appellant's PPA by taking his Social Security income of \$1,600.00 and deducting the personal needs allowance of \$72.80 to arrive at a \$1,527.20 a month.

The appellant's son testified that the appellant would like to continue to pay for his life insurance and his cell phone. The appellant's son testified that the appellant wants to maintain the life insurance policy because he has nothing else to pass along to his family after his death.

The MassHealth representative testified that when MassHealth receives an SC-1 Form indicating long-term care is appropriate, MassHealth must, per the regulations, determine a PPA. The MassHealth representative testified that short-term care can be up to six months. The MassHealth representative testified that none of the deductions the appellant's son listed are allowable under the regulations for calculating a PPA.

Findings of Fact

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

1. MassHealth received a long-term care application on behalf of the appellant on 2/26/24, and an SC-1 Form with a short-term stay screen until 8/30/24.
2. The appellant is over the age of 65.
3. The appellant was admitted to a nursing facility on [REDACTED] 24.
4. MassHealth calculated an allowance for the appellant's home in the amount of \$1,255.00 while he was screened as short-term making his PPA \$272.20.
5. MassHealth received a new SC-1 Form with a long-term care screen beginning on 9/1/24.
6. MassHealth determined the appellant's PPA by taking his Social Security income of \$1,600 and deducting the personal needs allowance of \$72.80 to arrive at a \$1,527.20 a month.
7. When MassHealth receives an SC-1 Form indicating long-term care is appropriate, MassHealth must, per the regulations, determine a PPA.

8. Short-term care can be up to six months.
9. The appellant has been institutionalized for more than six months.
10. The appellant has been granted all allowable deductions under the regulations for calculating a PPA, effective 9/1/24.

Analysis and Conclusions of Law

Once an individual has been determined a long-term-care facility resident MassHealth will establish a Patient-Paid Amount (PPA), which is the amount that a member in a long-term care facility must contribute to the cost of care under the laws of the Commonwealth of Massachusetts.

130 CMR 520.026: Long-Term-Care General Income Deductions

General income deductions must be taken in the following order:

- (A) personal needs allowance (\$72.80 a month);
- (B) spousal-maintenance-needs allowance;
- (C) family-maintenance-needs allowance for qualified family members;
- (D) home-maintenance allowance;
- (E) health-care coverage and incurred medical and remedial-care expenses.

520.009(A)(3):

- (3) For institutionalized individuals, specific deductions described in 130 CMR 520.026 are applied against the individual's countable-income amount to determine the patient-paid amount.

Pursuant to 130 CMR 520.026(D), "Deductions for Maintenance of a Former Home:"

- (1) The MassHealth agency allows a deduction for maintenance of a home when a competent medical authority certifies in writing that a single individual, with no eligible dependents in the home, is likely to return home within six months after the month of admission. **This income deduction terminates at the end of the sixth month after the month of admission regardless of the prognosis to return home at that time.**
- (2) The amount deducted is the 100% federal poverty level income standard for one person.

(Emphasis added)

The appellant has been determined to be a long-term-care facility resident and MassHealth has established a PPA. A LTC facility resident is a resident who is determined to remain in the facility for more than six months. The appellant is a member of a household of one, with monthly income of \$1,600.00, and a personal needs allowance of \$72.80. The appellant is requesting a reduction in his PPA because he wants to continue paying for his life insurance and his cell phone. The regulations allow a deduction for personal needs allowance, spousal-maintenance-needs allowance, family-maintenance-needs allowance, home-maintenance allowance, and health-care coverage. The deductions the appellant requested (to pay for life insurance and cell phone) are not listed under the regulations; therefore, they will not be allowed.

The appellant had the benefit of a home maintenance needs deduction for his first six months of institutionalization. However, effective September 1, 2024, the six months have ended, the appellant has been deemed a long-term care resident, and the PPA deduction of \$1,255.00 monthly for maintenance of his former home must end, pursuant to 130 CMR 520.026(D)(1), above.

The record establishes there is no evidence the appellant meets any additional income deductions to further reduce his PPA. MassHealth calculated the PPA properly and this 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.

Christine Therrien
Hearing Officer
Board of Hearings

[REDACTED]

cc: MassHealth Representative: Dori Mathieu, Springfield MassHealth Enrollment Center