

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Dismissed; Remand	Appeal Number:	2414829
Decision Date:	01/24/2025	Hearing Date:	11/04/2024
Hearing Officer:	Marc Tonaszuck	Record Open to:	01/03/2025

Appearance for Appellant:




Appearance for MassHealth:

Douglas Thompson



*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:	Dismissed; Remanded	Issue:	Long Term Care – Verifications
Decision Date:	01/24/2025	Hearing Date:	11/04/2024
MassHealth's Rep.:	Douglas Thompson	Appellant's Rep.:	
Hearing Location:	Charlestown 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.

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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 09/10/2024, MassHealth informed the appellant that it reviewed her application for long term care (LTC) services and determined that she was not eligible because she did not provide the requested information by the due date (130 CMR 515.008; Exhibit 1). On 09/26/2024, the appellant filed a timely appeal (130 CMR 610.015(B); Exhibit 2). Denial of MassHealth benefits is valid grounds for appeal (130 CMR 610.032).

A fair hearing took place on 11/04/2024¹, at which time the MassHealth representative testified that the appellant is a resident of a skilled nursing facility. On 05/14/2024, an application for LTC benefits was submitted to MassHealth on the appellant's behalf, seeking a MassHealth benefit start

¹ See Exhibit 3.

date of 04/15/2024. On 06/06/2024 and again on 07/19/2024, MassHealth requested verification of certain financial information necessary to make an eligibility determination. The verifications were due by 09/01/2024. On 09/10/2024, MassHealth issued a denial notice, informing the appellant that because she did not provide the necessary verifications for MassHealth to make an eligibility determination within the time allowed, she was not eligible for LTC benefits (Exhibits 1 and 4).

At hearing, the appellant's representative informed the hearing officer that she needed additional time to provide verification that the appellant is eligible for LTC benefits. The record remained open for the appellant's submission and for MassHealth's response (Exhibit 5). The appellant's representative made a second request an additional amount of time to provide the missing verifications. Her request was granted, and the record remained open for the appellant's submission until 12/20/2024 and until 01/03/2025 for MassHealth's response.

On 01/17/2025, the MassHealth representative informed the hearing officer and the appellant's representative that she received the appropriate verifications (Exhibit 6).

The Fair Hearing regulation concerning Adjustment Procedures and Mediation is set forth at 130 CMR 610.051. Regulations at 130 CMR 610.051(B) states as follows:

(B) Adjustments Resolving Issues. The MassHealth agency or the acting entity may make an adjustment in the matters at issue before or during an appeal period. If the parties' adjustment resolves one or more of the issues in dispute in favor of the appellant, the hearing officer, by written order, may dismiss the appeal in accordance with 130 CMR 610.035 as to all resolved issues, noting as the reason for such dismissal that the parties have reached agreement in favor of the appellant. BOH will not delay a fair hearing because a possible adjustment is under consideration, unless the appellant requests or agrees to such a delay.

MassHealth has acknowledged that all the missing verifications have been received. Accordingly, as the MassHealth adjustment resolves all of the disputed issues in the instant case in favor of the appellant

Order for MassHealth

Rescind 09/10/2024 denial notice. Process the application dated 05/14/2024. Inform the appellant of the determination and include appeal rights.

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]

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MassHealth Representative: Thelma Lizano, Charlestown MassHealth Enrollment Center, 529 Main Street, Suite 1M, Charlestown, MA 02129