

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	DENIED	Appeal Number:	2415182
Decision Date:	12/31/2024	Hearing Date:	10/31/2024
Hearing Officer:	Kenneth Brodzinski		

Appearance for Appellant:



Appearance for MassHealth:

Christopher Champagne



*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
Decision Date:	12/31/2024	Hearing Date:	10/31/2024
MassHealth's Rep.:	Christopher Champagne	Appellant's Rep.:	[REDACTED]
Hearing Location:	Springfield MEC		

Authority

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

Jurisdiction

Through notice dated August 23, 2024, MassHealth approved Appellant for MassHealth Long Term Care benefits as of January 2, 2024 with a Patient Paid Amount (PPA) commencing as of August 1, 2024 (Exhibit A). Appellant filed this appeal in a timely manner on October 3, 2024 challenging the amount of the PPA (Exhibit A). Determining a PPA constitutes valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth approved Appellant for MassHealth Long Term Care benefits as of January 2, 2024 with a Patient Paid Amount (PPA) commencing as of August 1, 2024.

Issue

The appeal issue is whether MassHealth properly applied the controlling regulation(s) to accurate facts when it determined that Appellant is eligible for MassHealth Long Term Care benefits as of January 2, 2024 with a Patient Paid Amount (PPA) commencing as of August 1, 2024

Summary of Evidence

Both parties appeared by telephone.

The MassHealth representative testified that Appellant was approved for Long Term Care benefits under a short-term admission that ran on and between [REDACTED] [REDACTED] Appellant left the long term care facility and now resides in an assisted living facility.

The MassHealth representative testified that Appellant is responsible for a monthly Patient Paid Amount (PPA) as of August 1, 2024. The MassHealth representative reviewed the calculation of the PPA. According to the MassHealth representative, Appellant has total countable monthly income of \$3,877.70. From this total two deductions were made including the \$72.80 personal needs allowance and \$1,255.00 for maintenance of the former home. These two deductions totaled \$1,327.80 and were subtracted from the total countable monthly income of \$3,877.70 yielding the monthly PPA of \$2,549.90. The MassHealth representative noted that pursuant to MassHealth regulations, the deduction for maintaining the form of home is a flat rate of \$1,255.00 for everyone.

Appellant's representative testified that appellant had been living in an apartment and is now in an independent living facility which is much more expensive. She testified that she cannot afford to pay the PPAs. Appellant's representative testified that the appellant is [REDACTED] that she raised three children on her own while working three jobs and never took government benefits. Appellant's representative discussed the appellant's health history and the reasons for her recent stay at the rehab facility. Appellant's representative questioned whether the amount of the PPA can be negotiated.

Findings of Fact

By a preponderance of the evidence, this record supports the following findings:

1. Appellant was approved for Long Term Care benefits under a short-term admission that ran on and between [REDACTED]
2. Appellant left the long term care facility and now resides in an assisted living facility.
3. The MassHealth representative testified that Appellant is responsible for a monthly Patient Paid Amount (PPA) as of August 1, 2024.
4. Appellant has total countable monthly income of \$3,877.70.
5. From this total MassHealth applied two deductions including the standard \$72.80

personal needs allowance and \$1,255.00 for maintenance of the former home.

6. These two deductions totaled \$1,327.80 and were subtracted from the total countable monthly income of \$3,877.70, yielding the monthly PPA of \$2,549.90.

Analysis and Conclusions of Law

The party appealing an administrative decision bears the burden of demonstrating the decision's invalidity (*Merisme v. Board of Appeals of Motor Vehicle Liability Policies and Bonds*, 27 Mass. App. Ct. 470, 474 (1989)). On this record, Appellant has not met her burden.

Appellant's representative did not dispute the gross monthly income, any of the deductions that were applied to the PPA calculation or the accuracy of the PPA calculation itself. Appellant's representative merely expressed her opinion that the PPA was high and stated that appellant could not afford to pay it. In effect, Appellant has neither asserted nor evidenced any basis whatsoever to conclude that MassHealth's determination is based on an error of fact and/or law. Accordingly, there is no basis to disturb the subject determination.

For the foregoing reasons, the 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.

Kenneth Brodzinski
Hearing Officer
Board of Hearings

cc:

[REDACTED]

MassHealth Representative: Dori Mathieu, Springfield MassHealth Enrollment Center, 88 Industry Avenue, Springfield, MA 01104, 413-785-4186