

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision: Denied

Appeal Number: 2415921

Decision Date: 01/3/2025

Hearing Date: November 12, 2024

Hearing Officer: Stanley M. Kallianidis



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

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|-------------------------|---------------|------------------------|---------------------|
| Appeal Decision: | Denied | Issue: | Coverage Start Date |
| Decision Date: | 01/3/2025 | Hearing Date: | November 12, 2024 |
| MassHealth Rep.: | Maria Piedade | Appellant Rep.: | [REDACTED] |

Authority

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

Jurisdiction

Notice dated September 27, 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 October 17, 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).

On October 23, 2024, notice of the hearing date was sent to the parties (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 applied for MassHealth on July 3, 2024 with a completed long-term care supplement. Prior to this, on May 14, 2024, she submitted her SC-1 admission form to MassHealth. On June 3, 2024, following receipt of the SC-1, a conversion packet was sent out to the appellant (Exhibit 4).

The MassHealth representative explained that if a long-term care supplement is received within 30 days from the date that the conversion packet is sent out, MassHealth will use the date that the SC-1 is received as the date of application. Therefore, in this case, where the SC-1 was received on the 30th date from the date that the conversion packet was mailed, the date that the appellant's SC-1 was filed with MassHealth, May 14, 2024, was used as her application date (Exhibit 4).

The MassHealth representative further explained that the appellant's long-term care case was approved February 1, 2024, but not earlier, due to the regulations that only allow for a maximum of three months retroactive eligibility (Exhibit 4).

The appellant's representative testified that the appellant is requesting coverage beginning November 1, 2023. He testified that it was his understanding that, according to MassHealth policy, the appellant is entitled to six months of retroactive coverage.

Findings of Fact

Based on a preponderance of the evidence, I find:

1. The appellant is seeking MassHealth long-term care eligibility beginning November 1, 2023 (Exhibit 2 and testimony).
2. The appellant submitted her SC-1 admission form on May 14, 2024 (Exhibit 4 and testimony).
3. On June 3, 2024, following receipt of the SC-1 submission, the appellant was sent a conversion packet and given notice of the requirement to submit a long-term care supplement within 30 days of this submission (Exhibit 4 and testimony).
4. On July 3, 2024, the appellant did submit a completed long-term care application within the 30 day due date of the conversion packet (Exhibit 4 and testimony).
5. May 14, 2024, the date that the appellant's SC-1 admission was submitted to MassHealth, was used as her long-term care application date (Exhibit 4 and testimony).
6. The appellant's long-term care case was approved beginning 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 is in need of 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 the appellant submitted her SC-1 admission form on May 14, 2024. On June 3, 2024, following receipt of the SC-1 submission, the appellant was sent a conversion packet and given notice of the requirement to submit a long-term care supplement within 30 days of this submission. On July 3, 2024, the appellant did submit a completed long-term care application within the 30 day due date of the conversion packet. Accordingly, May 14, 2024, the date that the appellant's SC-1 admission was submitted to MassHealth, was used as her long-term care application date.

130 CMR 516.007(C)(3) supports MassHealth's position that it may request a new application when it deems it necessary, and 130 CMR 516.006 supports a limitation to the coverage of retroactive benefits to three months.

In conclusion, notwithstanding the appellant's long-term care request date of November 1, 2023, given a long-term care application date of May 14, 2024, the appellant is not entitled to an eligibility date earlier than the one established by MassHealth, February 1, 2024.

The 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.

Stanley M. Kallianidis
Hearing Officer
Board of Hearings

cc:

[REDACTED]

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