

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2417097
<b>Decision Date:</b>	1/8/2025	<b>Hearing Date:</b>	12/09/2024
<b>Hearing Officer:</b>	Christopher Jones	<b>Record Open to:</b>	01/06/2024

**Appearance for Appellant:**



**Appearance for MassHealth:**

Riana Malik – Tewksbury Intake



*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

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	Long Term Care; Verifications
<b>Decision Date:</b>	1/8/2025	<b>Hearing Date:</b>	12/09/2024
<b>MassHealth's Rep.:</b>	Riana Malik	<b>Appellant's Rep.:</b>	
<b>Hearing Location:</b>	Telephonic	<b>Aid Pending:</b>	No

### 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 October 16, 2024, MassHealth denied the appellant's application for long-term-care services because the appellant did not give MassHealth information it needs to determine her eligibility. (Exhibit 1; 130 CMR 515.008.) The appellant filed this appeal in a timely manner on November 7, 2024. (Exhibit 1; 130 CMR 610.015(B).) Denial of assistance is valid grounds for appeal. (130 CMR 610.032.)

Following the hearing, the record was left open until January 6, 2025, for the appellant to submit missing verifications and for MassHealth to review and respond.

### Action Taken by MassHealth

MassHealth denied the appellant's July 2024 application for long-term-care services because the appellant failed to submit required documentation.

### Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 515.008, 516.001, and 517.012, in denying the appellant's application for failing to provide documentation needed to determine her eligibility.

## Summary of Evidence

An application for long-term-care services was submitted on the appellant's behalf on July 2, 2024. MassHealth sent a checklist of required verifications to the appellant on July 11, 2024, and issued a revised request on July 22, 2024. As part of the revised request, MassHealth sought verification of financial resources, including a bank account found through its electronic asset verification system. When the required verifications were not received, MassHealth sent out a denial notice on October 16, 2024. At the hearing, the parties agreed that the appellant still needed to verify the appellant's pension, checking account, where the closing distribution of a savings account went, and provide statements for another savings account found through the asset verification system. The appellant had been in an automobile accident, and MassHealth was requesting a completed assignment of third-party recovery form, and information regarding what happened to the insurance proceeds from the appellant's totaled vehicle.

The hearing record was left open until January 6, 2025, for the appellant's representative to submit this documentation. The appellant's representative submitted the pension information and updated checking account statements but provided no additional information. The appellant's representative conceded that she was not going to be able to submit the required documentation.

## Findings of Fact

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

- 1) The appellant applied for long-term-care services in July 2024. (Testimony by MassHealth's representative.)
- 2) MassHealth sent the appellant a list of documents the agency needed in order to process the application in July 2024, and MassHealth denied the application on October 16, 2024, when documents were not received. (Testimony by MassHealth's representative; Exhibit 1.)
- 3) The record was left open for the appellant until January 6, 2025. The appellant's representative conceded that she would not be submitting all required documentation. (Exhibit 5.)

## Analysis and Conclusions of Law

MassHealth applicants must establish financial eligibility, which includes showing that their assets are below a threshold and that they reduced their assets in accordance with state and federal law. (See 130 CMR 520.000.) Another condition of eligibility is that an applicant must assign to MassHealth the right to recover the amount of MassHealth benefits paid on the applicant's behalf from any proceeds received from a liable third party. (130 CMR 517.012.) To qualify for long-term-care benefits, an applicant must complete an application and cooperate with the MassHealth

agency by submitting corroborative information. (See 130 CMR 516.001(B).) If the requested verifications are received within 90 days, “the application is considered complete” and MassHealth continues to “determine the coverage type ... for which the applicant is eligible.” MassHealth may deny an application where the member has failed to provide requested information within 90 days. If some, but not all, of the requested information is received within 90 days of the denial, MassHealth deems the date of receipt to be the date of reapplication, and the agency will send out a new verification request. (130 CMR 516.001(C); see also EOM 23-09 (Mar. 2023) (extending time for non-MAGI to verify eligibility factors and provide documentation).) If a MassHealth member fails to cooperate with MassHealth and submit the documentation requested, MassHealth will deny the member’s application. (See 130 CMR 515.008(C).)

The appellant failed to submit all requested information and cooperate with MassHealth during the processing of their application. For this reason, 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.

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Christopher Jones  
Hearing Officer  
Board of Hearings

[REDACTED]

MassHealth Representative: Sylvia Tiar, Tewksbury MassHealth Enrollment Center, 367 East Street, Tewksbury, MA 01876-1957