

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2417902
Decision Date:	2/21/2025	Hearing Date:	12/18/2024
Hearing Officer:	Emily Sabo	Record Open to:	2/28/2024

Appearance for Appellant:



Appearance for MassHealth:

Patricia Rogers, Taunton MEC



*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:	Long-Term Care; Verifications
Decision Date:	2/21/2025	Hearing Date:	12/18/2024
MassHealth's Rep.:	Patricia Rogers	Appellant's Rep.:	
Hearing Location:	Taunton MassHealth Enrollment Center (Telephone)	Aid Pending:	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 November 5, 2024, MassHealth denied the Appellant's application for MassHealth long-term care services in a nursing facility because MassHealth determined that the Appellant did not timely provide MassHealth with the information necessary to determine eligibility. 130 CMR 515.008 and Exhibit 1. The Appellant filed this appeal in a timely manner on November 21, 2024. 130 CMR 610.015(B) and Exhibit 2. Denial of assistance is valid grounds for appeal. 130 CMR 610.032.

Action Taken by MassHealth

MassHealth denied the Appellant's application for long-term-care services in a nursing facility.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 515.008, in determining that the Appellant did not provide MassHealth with the information necessary for MassHealth to make an eligibility determination.

Summary of Evidence

The hearing was held by telephone. The MassHealth representative testified that MassHealth received a long-term-care application from the Appellant on September 4, 2024. The MassHealth representative testified that the application included two SC-1s with different admission dates. The MassHealth representative testified that MassHealth did not receive a response to its October 1, 2024 request for more information from the Appellant. The MassHealth representative testified that, specifically, MassHealth was seeking clarification on the SC-1 issue, and information relating to two bank accounts and a vehicle.

The Appellant's representative works for the Appellant's nursing facility and verified the Appellant's identity. The Appellant's representative testified that the Appellant was admitted to the facility on [REDACTED]. The Appellant's representative testified that she had requested the Appellant's bank statements and that she had contacted the Appellant's children about the vehicle.

The record was held open until January 8, 2025 for the Appellant's representative to submit the missing information, and until January 15, 2025 for MassHealth to review and respond. Exhibit 6. The Appellant's representative submitted the bank statements and requested two extensions to the record open period to provide the vehicle information. The extensions were granted until February 14, 2025 for the Appellant, and until February 28, 2025 for MassHealth. Exhibits 6 & 7. On February 18, 2025, the MassHealth representative responded that MassHealth had still not received the vehicle information and so the case remained denied. Exhibit 8.

Findings of Fact

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

1. The Appellant is over the age of 65 (Exhibit 4).
2. The Appellant was admitted to a long-term-care facility on [REDACTED] (Testimony, Exhibit 5).
3. The Appellant submitted a MassHealth application for long-term-care services in a nursing facility on September 4, 2024 (Testimony, Exhibit 5).
4. On November 5, 2024, MassHealth denied the Appellant's application for failure to provide requested information (Testimony, Exhibit 1).
5. On November 21, 2024, the Appellant timely filed an appeal with the Board of Hearings

(Exhibit 2).

6. The record was held open until February 14, 2025, for the Appellant's representative to submit the missing information sought by MassHealth (Exhibits 6 & 7).
7. On February 18, 2024, the MassHealth representative reported that the vehicle information was still missing and the case remained denied (Exhibit 8).

Analysis and Conclusions of Law

The MassHealth regulations at 130 CMR 515.008 provide that:

515.008: Responsibilities of Applicants and Members

(A) Responsibility to Cooperate. The applicant or member must cooperate with the MassHealth agency in providing information necessary to establish and maintain eligibility, and must comply with all the rules and regulations of MassHealth, including recovery and obtaining or maintaining other health insurance.

(B) Responsibility to Report Changes. The applicant or member must report to the MassHealth agency, within ten days or as soon as possible, changes that may affect eligibility. Such changes include, but are not limited to, income, assets, inheritances, gifts, transfers of and proceeds from the sale of real or personal property, distributions from or transfers into trusts, address, availability of health insurance, immigration status, and third-party liability.

(C) Cooperation with Quality Control. The Quality Control Division periodically conducts an independent review of eligibility factors in a sampling of case files. When a case file is selected for review, the member must cooperate with the representative of Quality Control. Cooperation includes, but is not limited to, a personal interview and the furnishing of requested information. If the member does not cooperate, MassHealth benefits may be terminated.

130 CMR 515.008.

MassHealth denied the Appellant's application for long-term-care benefits because the Appellant failed to submit the necessary information to determine the Appellant's eligibility. 130 CMR 515.008(A). During the record open period, the Appellant did not submit the requested information to determine the Appellant's eligibility. Therefore, the Appellant has not demonstrated that MassHealth erred in denying the Appellant's application for MassHealth long-term care services on November 5, 2024. 130 CMR 515.008(A).

Accordingly, 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.

Emily Sabo
Hearing Officer
Board of Hearings

cc: Appellant Representative: [REDACTED]

cc: MassHealth Representative: Justine Ferreira, Taunton MassHealth Enrollment Center, 21 Spring St., Ste. 4, Taunton, MA 02780