

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2418096
Decision Date:	02/4/2025	Hearing Date:	12/24/2024
Hearing Officer:	Amy B. Kullar, Esq.	Record Open to:	1/14/2025; 1/28/2025; 1/29/2025

Appearance for Appellant:



Appearances for MassHealth:

Douglas Thompson, Charlestown MassHealth Enrollment Center; Eileen Smith, Supervisor, Charlestown MassHealth Enrollment Center



*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:	02/4/2025	Hearing Date:	12/24/2024
MassHealth's Reps.:	[REDACTED]	Appellant's Rep.:	Evie Cohen
Hearing Location:	Charlestown MassHealth Enrollment Center - Room 2 (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 October 21, 2024, MassHealth denied the appellant's application for MassHealth long-term care (LTC) benefits because MassHealth determined that the appellant did not submit the necessary documentation required to make an eligibility decision. *See* 130 CMR 515.008 and Exhibit 1. The appellant filed this appeal in a timely manner, having submitted a request for fair hearing on November 24, 2024. *See* 130 CMR 610.015(B) and Exhibit 2. Denial of assistance is valid grounds for appeal. *See* 130 CMR 610.032.

Action Taken by MassHealth

MassHealth denied the appellant's application for long-term care benefits.

Issue

The appeal issue is whether MassHealth was within its discretion to deny the appellant's

application for long-term care benefits for failure to submit the necessary eligibility verifications.

Summary of Evidence

The appellant is an adult over the age of 65 who was represented at hearing by his authorized representative, a Medicaid consultant. MassHealth was represented by a worker from the Charlestown MassHealth Enrollment Center. All parties appeared by telephone. The following is a summary of the testimony and evidence presented at hearing.

The MassHealth representative testified to the following: on May 24, 2024, an application for MassHealth LTC benefits was filed on the appellant's behalf; however, it was incomplete and re-submitted on July 11, 2024.¹ The appellant is seeking a benefit start date of May 1, 2024. MassHealth sent a request for information to the appellant on July 17, 2024, with a due date for response of October 15, 2024. The appellant was unable to provide all of the items in the request for information, and a denial for missing verifications was issued on October 21, 2024. After the denial notice was issued, MassHealth received an updated SC-1 Form and some of the other verifications requested on July 17, 2024. As of the date of hearing, there are still verifications outstanding from the denial letter which MassHealth has not received:

1. **An updated pension stub** from 8/2024 with the COLA (which is updated in 7/2024) and new health insurance premiums.
2. **Life Insurance** – we received a GICLink printout showing face value and beneficiaries but no cash value or proof that it is Term insurance.
3. **A new LTC Supplement.** Question 6c should be answered Yes since property was transferred by the applicant. Also Question 7 regarding assisted living deposits must be answered. A new supplement must be signed by the current ARD or the applicant.
4. **Application signature page** – **This page should be resubmitted with a physical signature.**
5. **Separation agreement** – a copy of this was also filed with the application on 7/11/2024. It appears to be incomplete, as numbered item 7 ends mid-sentence. **Send complete separation agreement and any divorce documents if they exist**
6. **Second social security deposit** – The statements show two social security deposits each month. the larger one matches the applicant's benefit info.

¹ The May 2024 application was missing several responses and was also signed by the appellant's soon to be ex-wife; MassHealth was unable to process the original application as filed. Testimony.

7. **Verify whose check the smaller one (for \$799 monthly throughout 2024) is for.** The account is listed only under the applicant's name with no co-holder.
8. **Documents pertaining to the real estate** - settlement papers, the tax value of the house at the time of sale, proof of all amounts owed on the house, and proof of deposit of the proceeds; MassHealth needs to know if either the applicant or the separated spouse has ownership interest in the real estate at [REDACTED]. The separation agreement lists this as the home address of both spouses.
9. **To verify the [REDACTED]** - Verify the source of eight deposits in 2023, listed on the statements as "ATM Check deposits"

Testimony of MassHealth representative.

The MassHealth representative closed his testimony by stating that there are additional issues with the sale price of the home, but that he needs the closing documents to specifically address those issues; and also, there are issues with the separation of the appellant and his former spouse. The divorce was finalized the day after the home was sold, according to the MassHealth representative.

The appellant's representative did not dispute the MassHealth representative's testimony, and acknowledged that the verifications were still outstanding. The appellant's representative expressed that she would need a little more time to obtain the outstanding verifications, but she would be able to provide legal paperwork related to the appellant's divorce and the sale of the appellant's real estate. She is able to provide a signed ARD form via email. Given that it was the holiday season, she was having difficulty with obtaining the appellant's information, but his daughter is helping him. The appellant's representative requested that the record be kept open to allow her more time to gather the outstanding documentation.

It was agreed that the record would be held open until January 14, 2025 for the appellant to provide the outstanding verifications to all parties, and then MassHealth would have an opportunity to process the submission and respond. Exhibit 6. On January 14, 2025, the appellant's representative provided the updated ARD form and requested an additional two-week extension to provide the other outstanding verifications. Exhibit 7. The record open period was extended to January 28, 2025. Exhibit 8. On January 24, 2024, the appellant's representative emailed a copy of the appellant's separation agreement dated [REDACTED], and a copy of the appellant's Commonwealth of Massachusetts pension statement. Exhibit 9. On the morning of January 29, 2025, MassHealth requested additional time to review the appellant's recent submissions. The record was held open until the end of the day on January 29, 2025 for MassHealth to respond to the appellant's January 24, 2025 submission. Exhibit 10. On January 29, 2025, at 8:23 AM,

MassHealth responded that there are items still missing for this application; there was no completed LTC supplement or application signature page, no settlement paperwork from the sale of the home, or verifications for any of the deposits as requested on the record open form. "As of today, we are not able to process this case due to lack of information." Exhibit 11.

At 1:30 PM on January 29, 2025, the appellant's representative emailed three documents to all parties: the completed LTC supplement, a signed application signature page, and an email summary of the sale of the appellant's home from the buyer's attorney. Exhibit 12. On January 29, 2025, at 1:51 PM, MassHealth responded to the appellant's submission:

The ltc supplement and application are not signed by an authorized rep in the case. I do not know who signed it. When was an ard form for them submitted?

There are issues with the email on the home sale and it will be a resource transfer. All of the issues in the emailed (*sic*) needed to be documented and the property was to be assessed by a license (*sic*) broker to offset the tax value. It appears that has not been done.

I do not see any proof of the deposits. What did he have or get from Unum?

Exhibit 13.

The appellant's representative did not respond to the last MassHealth email and did not request any additional time for the record to be held open. The hearing officer closed the administrative record on January 29, 2025.

Findings of Fact

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

1. The appellant is an adult over the age of 65 who is a resident of a nursing facility.
2. On July 11, 2024, an application for MassHealth Long-Term care benefits was filed on the appellant's behalf. Testimony, Exhibit 5.
3. The appellant is seeking a benefit start-date of May 1, 2024. Testimony.
4. On October 21, 2024, the appellant's application was denied for failure to provide verification information after a request for information by MassHealth. Exhibit 1, Testimony.

5. Following the appeal hearing, the appellant's representative requested that the record be kept open until January 28, 2025 for submission of missing verifications, which was granted. Testimony, Exhibit 6.
6. As of the issuance of this decision, the following verifications are still outstanding:
 - **Documents pertaining to the real estate** - settlement papers, the tax value of the house at the time of sale, proof of all amounts owed on the house, and proof of deposit of the proceeds; MassHealth needs to know if either the applicant or the separated spouse has ownership interest in the real estate at [REDACTED]. The separation agreement lists this as the home address of both spouses; and
 - [REDACTED] - Verify the source of eight deposits in 2023, listed on the statements as "ATM Check deposits."

Analysis and Conclusions of Law

An applicant for any MassHealth benefits is required to "cooperate with the MassHealth agency in providing information necessary to establish and maintain eligibility..." 130 CMR 515.008(A). After receiving an application for benefits, MassHealth proceeds as follows:

The MassHealth agency requests all corroborative information necessary to determine eligibility.

- (1) The MassHealth agency sends the applicant written notification requesting the corroborative information generally within five days of receipt of the application.
- (2) The notice advises the applicant that the requested information must be received within 30 days of the date of the request, and of the consequences of failure to provide the information.

130 CMR 516.001(B). "If the requested information...is received [by MassHealth] within 30 days of the date of the request, the application is considered complete...If such information is not received within 30 days of the request, MassHealth benefit may be denied." 130 CMR 516.001(C).

MassHealth applicants must meet certain financial requirements to be eligible for long-term care services. Specifically, there is a \$2000 asset limit for an individual and a \$3000 asset limit for certain couples living together in the community. See 130 CMR 520.003(A).

In this case, the appellant has not provided MassHealth with critical financial information it needs to make an eligibility determination for long-term care benefits. As a result, MassHealth was within its discretion to deny the appellant's application, which has been open since July 11, 2024.

For the foregoing reasons, the appeal is hereby 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.

Amy B. Kullar, Esq.
Hearing Officer
Board of Hearings

cc:

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