

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Approved	Appeal Number:	2500765
Decision Date:	2/26/2025	Hearing Date:	02/11/2025
Hearing Officer:	Thomas J. Goode	Record Open to:	02/24/2025

Appearance for Appellant:



Appearance for MassHealth:

Scarlis Javier, Tewksbury 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:	Approved	Issue:	Long Term Care-Verifications
Decision Date:	2/26/2025	Hearing Date:	02/11/2025
MassHealth's Rep.:	Scarlis Javier	Appellant's Rep.:	
Hearing Location:	Remote	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 12, 2024, MassHealth denied Appellant's application for MassHealth long-term care benefits (130 CMR 516.001 and Exhibit 1). Appellant filed this appeal in a timely manner on January 13, 2025 (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 Appellant's application for MassHealth long-term care benefits for failure to provide verification of eligibility within the required timeframe.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 516.001, in denying Appellant's application for MassHealth long-term care benefits for failure to verify eligibility.

Summary of Evidence

The MassHealth representative testified that a PACE long-term care conversion application was submitted to MassHealth on September 27, 2024. A request for verifications issued on October 7, 2024, and was due back to MassHealth by November 6, 2024. On November 6, 2024, bank statements were submitted which did not adequately verify assets from May 2024 forward. A second request for verifications issued on November 7, 2024, requesting health insurance documentation and additional bank statements which were not submitted to MassHealth. On November 12, 2024, a denial for failure to verify eligibility issued, and was appealed by Appellant. Appellant's representative requested additional time to obtain the banking information requested by MassHealth. The hearing record remained open until February 21, 2025 to allow Appellant to submit documents to MassHealth, which were timely received. On February 24, 2025, MassHealth submitted its response stating that it would not preserve the September 27, 2024 application date because assets were over the asset limit on the date of the application, and an appealable notice denying eligibility for excess assets would issue (Exhibit 5).

Findings of Fact

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

1. A PACE long-term care conversion application was submitted to MassHealth on September 27, 2024.
2. A request for verifications issued on October 7, 2024, and was due back to MassHealth by November 6, 2024.
3. On November 6, 2024, bank statements were submitted to MassHealth which did not adequately verify assets from May 2024 forward.
4. A second request for verifications issued on November 7, 2024, requesting health insurance documentation and additional bank statements which were not submitted to MassHealth.
5. On November 12, 2024, a denial for failure to verify eligibility issued, and was appealed by Appellant.
6. The hearing record remained open until February 21, 2025, to allow Appellant to submit documents to MassHealth which were timely received and accepted by MassHealth.
7. MassHealth issued a denial for excess assets.
8. All outstanding verifications were timely submitted to and accepted by MassHealth during

the pendency of the appeal.

Analysis and Conclusions of Law

The MassHealth agency requires verification of eligibility factors including income, assets, residency, citizenship, immigration status, and identity as described in 130 CMR 517.000: *MassHealth: Universal Eligibility Requirements*, 130 CMR 518.000: *MassHealth: Citizenship and Immigration*, and 130 CMR 520.000: *MassHealth: Financial Eligibility* (130 CMR 516.003). Regulation 130 CMR 516.001(B) provides that MassHealth may request additional information or documentation, if necessary, to determine eligibility. The request is generally sent to the applicant within 5 days of receipt of the application and provides 30 days to return the needed documents. If the verifications are not submitted within 30 days of the date of the request, MassHealth benefits may be denied (130 CMR 516.001(C)). Pursuant to 130 CMR 516.001(D), if the verifications are not submitted within 30 days of the date of the request, MassHealth benefits may be denied. Thereafter, if one or more of the documents are submitted within 30 days of the denial, the date of receipt shall be the reapplication date.

Pursuant to 130 CMR 610.071(A)(2), the hearing officer may not exclude evidence at the hearing for the reason that it had not been previously submitted to the acting entity, provided that the hearing officer may permit the acting entity representative reasonable time to respond to newly submitted evidence. The effective date of any adjustments to the appellant's eligibility status is the date on which all eligibility conditions were met, regardless of when the supporting evidence was submitted.

By notice dated November 12, 2024, MassHealth denied Appellant's MassHealth application dated September 27, 2024, for failure to provide verification of eligibility. Appellant timely filed an appeal, and the hearing record remained open until February 21, 2025, to allow Appellant to submit documents to MassHealth which were timely received. On February 24, 2025, MassHealth submitted its response stating that it would not preserve the September 27, 2024 application date because assets were over the asset limit on the date of the application, and an appealable notice denying eligibility for excess assets would issue.¹ All outstanding verifications were timely submitted to and accepted by MassHealth during the pendency of this appeal. Therefore, the application dated September 27, 2024 is preserved. In this regard only, the appeal is APPROVED.

Order for MassHealth

Preserve the application dated September 27, 2024, in determining MassHealth eligibility.

¹ Appellant can appeal the denial for excess assets.

Implementation of this Decision

If this decision is not implemented within 30 days after the date of this decision, you should contact your MassHealth Enrollment Center. If you experience problems with the implementation of this decision, you should report this in writing to the Director of the Board of Hearings, at the address on the first page of this decision.

Thomas J. Goode
Hearing Officer
Board of Hearings

cc:

[REDACTED]

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