

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	DENIED	Appeal Number:	2500782
Decision Date:	3/5/2025	Hearing Date:	03/03/2025
Hearing Officer:	Sharon Dehmand		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Leslie Garcia, 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:	DENIED	Issue:	Long Term Care; Patient Paid Amount
Decision Date:	3/5/2025	Hearing Date:	03/03/2025
MassHealth's Rep.:	Leslie Garcia	Appellant's Rep.:	Pro se
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 December 16, 2024, MassHealth increased the appellant's patient paid amount (PPA) from \$774.20 to \$2,073.20 per month starting on January 1, 2025. See 130 CMR 520.025; 130 CMR 520.026; and Exhibit 1. The appellant filed this appeal in a timely manner on January 10, 2025. See 130 CMR 610.015(B) and Exhibit 2. MassHealth agency action to reduce a member's assistance is a valid ground for appeal to the Board of Hearings. See 130 CMR 610.032(A)(3).

Action Taken by MassHealth

MassHealth increased the appellant's monthly patient paid amount to \$2,073.02 starting on January 1, 2025.

Issue

Whether MassHealth was correct in its calculation of the appellant's patient paid amount to the nursing facility. See 130 CMR 520.025; 130 CMR 520.026(A); and 130 CMR 520.026(D).

Summary of Evidence

All parties participated virtually. MassHealth was represented by a worker from the Tewksbury MassHealth Enrollment Center. The appellant appeared pro se and verified his identity. The following is a summary of the testimonies and evidence provided at the hearing:

The MassHealth representative testified that the appellant who is over the age of [REDACTED] resides in a nursing facility. On February 21, 2023, the appellant applied for MassHealth benefits by submitting a SACA-2 application. He was approved for Health Safety Net. On [REDACTED] the appellant was admitted to a nursing facility. On October 30, 2023, the appellant submitted a short-term Status Change Form (SC-1) to MassHealth. He was approved with the coverage start date of September 11, 2023. The appellant was allowed deductions for maintenance of his former home in accordance with the regulations. On January 4, 2024, the appellant submitted another SC-1 for long-term care benefits which was approved on January 15, 2024.

MassHealth reviewed the appellant's eligibility in December 2024. The MassHealth representative testified that the appellant's verified income consists of Social Security in the amount of \$1,801.00 per month and a pension payment in the amount of \$345.00 per month. Thus, the appellant has a total monthly income of \$2,146.00 per month. He is allowed a \$72.80 deduction from his income for his personal-needs allowance (PNA) but is no longer eligible for the home maintenance needs allowance. Based on these figures, the appellant's PPA was determined to be \$2,073.20 per month starting on January 1, 2025.

The appellant testified that he has been married since 2014 and has a spouse who lives in the community. He acknowledged his income as stated by MassHealth but stated that due to the increase in the PPA, he is unable to support his spouse adequately.

The MassHealth representative responded that this is the first time that MassHealth has been made aware of the appellant's in-community spouse, as he has not previously reported his marital status on any of the applications submitted to MassHealth. She explained that to qualify for a maintenance allowance for his spouse, he would need to submit a new SACA-2 application, include his spouse, and provide all necessary supporting documents.

The appellant stated that his spouse should have been included in the application that was submitted on his behalf. However, he acknowledged that he did not complete or review the application before it was submitted to MassHealth. The MassHealth representative agreed to send a new SACA-2 application by mail to the appellant and the appellant agreed to complete and return the application with all necessary documents as soon as possible.

Findings of Fact

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

1. The appellant is over the age of [REDACTED] and resides in a nursing facility. (Testimony).
2. On February 21, 2023, the appellant's original application to MassHealth was approved for Health Safety Net. (Testimony).
3. On [REDACTED] the appellant was admitted to a nursing facility. (Testimony).
4. On October 30, 2023, the appellant submitted a short-term Status Change Form (SC-1) to MassHealth which was approved with the coverage start date of September 11, 2023. (Testimony).
5. On January 4, 2024, the appellant submitted another SC-1 for long-term care benefits which was approved on January 15, 2024. (Testimony).
6. The appellant was previously eligible for the home maintenance needs allowance as a deduction from his patient-paid amount. (Testimony).
7. In December 2024, MassHealth reviewed the appellant's long-term care eligibility. (Testimony).
8. The appellant's verified income consists of Social Security in the amount of \$1,801.00 per month and a pension payment in the amount of \$345.00 per month, totaling \$2,146.00 per month. (Testimony and Exhibit 1).
9. MassHealth calculated the increase in the PPA as follows:

Member's Income:	\$2,146.00
PNA:	(\$72.80)
<hr/>	
PPA:	\$ 2,073.20

Id.

10. Through a notice dated December 16, 2024, MassHealth increased the appellant's patient paid amount (PPA) from \$774.20 to \$2,073.20 per month starting on January 1, 2025. (Exhibit 1).
11. The appellant filed this appeal in a timely manner on January 10, 2025. (Exhibit 2).
12. The appellant's income is not in dispute. (Testimony).
13. The appellant had not reported his marital status on any of the applications submitted to MassHealth. (Testimony).

Analysis and Conclusions of Law

The MassHealth agency is responsible for the administration and delivery of health-care services to low and moderate-income individuals and couples. The MassHealth regulations at 130 CMR 515.000 through 522.000 provide the requirements for MassHealth eligibility for persons over age [REDACTED] institutionalized persons of any age, persons who would be institutionalized without community-based services, as defined by Title XIX of the Social Security Act. See 130 CMR 515.002. Here, the appellant is an institutionalized person over the age of [REDACTED]. As such, he is subject to the requirements of the provisions of Volume II. See id.

The issue in this case is MassHealth's calculation of the PPA for the appellant. The PPA is the amount that a member in a long-term care facility must contribute to the cost of his or her care under the laws of the Commonwealth of Massachusetts. See 130 CMR 515.001. In determining the monthly PPA, deductions must be taken in the following order: a personal-needs allowance; a spousal-maintenance-needs allowance; a family-maintenance-needs allowance for qualified family members; a home-maintenance allowance; and health-care coverage and incurred medical and remedial-care expenses. These deductions are used in determining the monthly patient-paid amount. See 130 CMR 520.026.

The MassHealth agency allows a deduction for maintenance of a home when a competent medical authority certifies in writing that a single individual, with no eligible dependents in the home, is likely to return home within six months after the month of admission. This income deduction terminates at the end of the sixth month after the month of admission regardless of the prognosis to return home at that time. See 130 CMR 520.026(D)(1).

In this case, the appellant was admitted to a nursing facility on [REDACTED] and submitted a short-term Status Change Form (SC-1) to MassHealth on October 30, 2023. Accordingly, MassHealth allowed a deduction for home-maintenance pursuant to the regulations. On January 4, 2024, the appellant submitted another SC-1 for long-term care benefits which was approved on January 15, 2024.

Through a notice dated December 16, 2024, MassHealth increased the appellant's patient paid amount (PPA) from \$774.20 to \$2,073.20 per month starting on January 1, 2025. The MassHealth representative testified, and the appellant agreed that his total monthly income is \$2,146.00. MassHealth allows a \$72.80 deduction from his income for his personal-needs allowance (PNA). See 130 CMR 520.026(A)(MassHealth agency deducts \$72.80 for a long-term-care resident's personal-needs allowance). As it has been more than six months since the date of admission, MassHealth correctly disallowed a deduction for a home maintenance needs allowance. See 130 CMR 520.026(D)(1). Based on these figures, MassHealth calculated the appellant's PPA as \$2,073.20 (\$2,146.00-\$72.80).

The appellant is seeking a reduction in the PPA because he argued that he is unable to provide for his in-community spouse. However, the appellant did not list his spouse on any of his applications submitted to MassHealth. During the hearing, the MassHealth representative stated that "this is the first time that MassHealth has been made aware of the appellant's in-community spouse," as the appellant had not previously reported his marital status on any of the applications submitted to MassHealth.

To apply for MassHealth for an individual in need of long-term-care services in a nursing facility, a person or his or her authorized representative must file a complete paper Senior Application and Supplements or apply in person at a MassHealth Enrollment Center (MEC). See 130 CMR 516.001(A)(1)(b). It is the responsibility of the applicant to "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..." See 130 CMR 515.008(A).

Here, the appellant testified that he has been married since 2014 and has a spouse who lives in the community. The MassHealth representative stated that the appellant did not list his spouse on any of his applications submitted to MassHealth. While I credit the appellant's testimony and have no reason to doubt that he is married with an in-community spouse, the appellant acknowledged that he neither completed nor reviewed the application before it was submitted to MassHealth. Simply stated, the appellant did not offer any evidence to support his contention that his spouse was listed on the applications. The appellant has the burden "to demonstrate the invalidity of the administrative determination." [REDACTED]

[REDACTED] The appellant must demonstrate, by a preponderance of evidence, that MassHealth erroneously increased his monthly patient paid amount to \$2,073.02 starting on January 1, 2025. See 130 CMR 520.025; 130 CMR 520.026(A); [REDACTED]

[REDACTED] He has not done so.

For the foregoing reasons, 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.

Sharon Dehmand, Esq.
Hearing Officer
Board of Hearings

MassHealth Representative: Sylvia Tiar, Tewksbury MassHealth Enrollment Center, 367 East Street, Tewksbury, MA 01876-1957, 978-863-9290