

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2503525
Decision Date:	5/1/2025	Hearing Date:	03/27/2025
Hearing Officer:	Emily Sabo	Record Open to:	04/17/2025

Appearance for Appellant:



Appearance for MassHealth:

James Walsh, Quincy 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:	5/1/2025	Hearing Date:	03/27/2025
MassHealth's Rep.:	James Walsh	Appellant's Rep.:	
Hearing Location:	Quincy Harbor South (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 January 2, 2025, MassHealth denied the Appellant's application for MassHealth Long-Term-Care services in a nursing facility because the Appellant did not provide MassHealth with requested information within the time required. 130 CMR 515.008 and Exhibit 1. The Appellant filed this appeal in a timely manner on March 3, 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 the Appellant's application for MassHealth 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 requested information within the time required.

Summary of Evidence

The hearing was held by telephone. MassHealth was represented by an eligibility specialist who was filling in for his colleague who had reviewed the Appellant's long-term-care application. The MassHealth representative testified that the Appellant is under the age of [REDACTED] and that she filed an application with MassHealth for long term care on November 12, 2024, seeking a MassHealth payment start date of August 26, 2024. The MassHealth representative testified that the application was denied on January 2, 2025, for failure to submit requested information.

The Appellant's representative verified the Appellant's identity. The Appellant's representative testified that [REDACTED] had not received the request for information from MassHealth until the Appellant's sister brought it to the attention of the facility on March 3, 2025. The Appellant's representative testified that she had submitted some of the requested information with the appeal.

The record was held open until April 10, 2025 for the Appellant to submit the requested information, and until April 17, 2025 for MassHealth to review and respond. On April 16, 2025, a MassHealth representative¹ responded that the Appellant had submitted some of the requested information but that MassHealth would stand by its denial as some information was still missing. Exhibit 9. Specifically, because the Appellant is under the age of [REDACTED], MassHealth is seeking proof the Appellant applied for Social Security benefits and adult disability. *Id.* MassHealth is also seeking checking account statements for January 2023 to December 2023, and November 2024 to present, along with documentation for transactions of \$1,500 or greater, and the deed for the Appellant's real estate including a settlement statement and proof of where proceeds were allocated if sold. *Id.*

Findings of Fact

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

1. The Appellant is an adult under the age of [REDACTED] Testimony and Exhibit 4.
2. The Appellant applied for MassHealth Long-Term-Care services on November 12, 2024. Testimony and Exhibits 5 and 6.
3. MassHealth denied the Appellant's application on January 2, 2025, for failing to provide the information requested by MassHealth. Testimony and Exhibit 1.
4. The Appellant filed an appeal with the Board of Hearings on March 3, 2025. Exhibit 2.

¹ The MassHealth representative who responded was the case worker who reviewed the initial application, not the representative who appeared at the hearing.

5. The record was held open for the submission of the missing information. Exhibit 9.
6. On April 16, 2025, MassHealth reported that the Appellant had submitted some but not all of the requested information. What was missing is: proof the Appellant applied for Social Security benefits and adult disability; checking account statements for January 2023 to December 2023, and November 2024 to present, along with documentation for transactions of \$1,500 or greater; and the deed for the Appellant's real estate including a settlement statement and proof of where proceeds were allocated if sold. Exhibit 9.

Analysis and Conclusions of Law

MassHealth regulations provide:

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.

On January 2, 2025, MassHealth denied the Appellant's application for long-term-care benefits because the Appellant failed to submit the necessary information to determine eligibility. 130 CMR 515.008(A). During the record open period, the Appellant did not submit the requested information in order for MassHealth to determine the Appellant's eligibility. Exhibit 9. Thus, the Appellant has not demonstrated that MassHealth erred in denying the Appellant's application for MassHealth long-term-care services. 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:

MassHealth Representative: Quincy MEC, Attn: Appeals Coordinator, 100 Hancock Street, 6th Floor, Quincy, MA 02171