

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Approved; remand	Appeal Number:	2508221
Decision Date:	8/1/2025	Hearing Date:	6/24/2025
Hearing Officer:	Cynthia Kopka		

Appearances for Appellant:




Appearance for MassHealth:

Maria Piedade, 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:	Approved; remand	Issue:	Long term care, start date
Decision Date:	8/1/2025	Hearing Date:	6/24/2025
MassHealth's Rep.:	Maria Piedade	Appellant's Reps.:	
Hearing Location:	Taunton (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

By notice dated December 20, 2024, MassHealth denied Appellant's application for MassHealth benefits because Appellant failed to submit required information. Exhibit 4 at 18. By notice dated January 29, 2025, MassHealth denied Appellant's application for excess assets. *Id.* at 15. Appellant filed an appeal on February 28, 2025 (Appeal No. 2503453). Appellant withdrew Appeal No. 2503453 on April 7, 2025. Exhibit 2 at 7.

On April 1, 2025, MassHealth approved Appellant for MassHealth Standard long-term care benefits effective October 1, 2024. Exhibit 1. Appellant filed this appeal in a timely manner on May 28, 2025. Exhibit 2. 130 CMR 610.015(B). Challenging the scope of assistance is a valid basis for appeal. 130 CMR 610.032.

Action Taken by MassHealth

MassHealth approved Appellant for MassHealth Standard long-term care benefits effective October 1, 2024.

Issue

The appeal issue is whether MassHealth was correct in determining the start date of long-term care coverage.

Summary of Evidence

MassHealth was represented at remote hearing by an eligibility representative who submitted documents in support. Exhibit 4. Appellant's representatives appeared by phone and submitted documents with the request for hearing, Exhibit 2. A summary of documentation and testimony follows.

Appellant was admitted to the nursing facility on a short-term basis in early 2024. On October 15, 2024, MassHealth received a conversion application to change Appellant's status to long term care. On November 15, 2024, MassHealth sent Appellant a request for information due December 15, 2024. On December 20, 2024, MassHealth denied Appellant's application for failing to submit required information. Exhibit 4 at 18.

On January 21, 2025, MassHealth received the outstanding verifications. On January 29, 2025, MassHealth denied Appellant's October 15, 2024 application for excess assets. *Id.* at 15. The notice states that Appellant has 30 days to spend down the excess assets. *Id.* On February 28, 2025, the Board of Hearings (BOH) received Appellant's request for fair hearing and scheduled a fair hearing for April 25, 2025 for Appeal No. 2503453. On April 7, 2025, Appellant withdrew appeal 2503453. The withdrawal form is signed by both MassHealth and Appellant's representative and states that MassHealth approved Appellant effective October 1, 2024. Exhibit 2 at 7.

On April 1, 2025, MassHealth sent Appellant a notice approving MassHealth Standard long-term care benefits effective October 1, 2024. Exhibit 1. Appellant filed the present appeal and wrote that MassHealth did not honor the original October 15, 2024 application date. Exhibit 2 at 1.

The MassHealth representative testified that the approval was based on the reapplication date of January 29, 2025 because Appellant did not appeal the December 20, 2024 verification denial. Appellant also did not spend down within 30 days as instructed on the January 29, 2025 denial. Appellant's representative testified that the January 29, 2025 notice, which was appealed, referenced the October 15, 2024 original application date and not the January 29, 2025 reapplication date. The MassHealth representative testified that the computer generates the notice and she has no control over it. Appellant's representative believed the October 15, 2024 date was preserved when Appeal No. 2503453 was withdrawn. Appellant's representative testified that the earliest date that Appellant received the notice was on or after January 6, 2025. Appellant is seeking retroactive coverage based on the October 15, 2024 conversion application date.

Findings of Fact

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

1. Appellant was admitted to the nursing facility on a short-term basis in early 2024.
2. On October 15, 2024, MassHealth received a conversion application to change Appellant's status to long term care.
3. On November 15, 2024, MassHealth sent Appellant a request for information due December 15, 2024.
4. On December 20, 2024, MassHealth denied Appellant's application for failing to submit required information. Exhibit 4 at 18.
5. Appellant received the December 20, 2024 notice on or after January 6, 2025.
6. On January 21, 2025, MassHealth received the outstanding verifications.
7. On January 29, 2025, MassHealth denied Appellant's October 15, 2024 application for excess assets. The notice states that Appellant has 30 days to spend down the excess assets. *Id.* at 15.
8. On February 28, 2025, BOH received Appellant's request for fair hearing and scheduled a fair hearing for April 25, 2025 for Appeal No. 2503453.
9. On April 7, 2025, Appellant withdrew appeal 2503453. The withdrawal form is signed by both MassHealth and Appellant's representative and states that MassHealth approved Appellant effective October 1, 2024. Exhibit 2 at 7.
10. On April 1, 2025, MassHealth sent Appellant a notice approving MassHealth Standard long-term care benefits effective October 1, 2024. Exhibit 1.
11. On May 28, 2025, Appellant filed the present appeal and wrote that MassHealth did not honor the original October 15, 2024 application date. Exhibit 2 at 1.

Analysis and Conclusions of Law

At issue in this appeal is the controlling application date and the earliest retroactive date of coverage MassHealth considered when determining Appellant's eligibility. MassHealth calculated eligibility based on the reapplication date of January 29, 2025. 130 CMR 516.002(A) and (B). Appellant seeks eligibility based on the original conversion application date of October 15, 2024.

The Board of Hearings (BOH) must receive a request for a fair hearing within certain time frames per

regulation 130 CMR 610.015(B) (emphasis added):

(B) Time Limitation on the Right of Appeal. The date of request for a fair hearing is the date on which BOH receives such a request in writing. BOH must receive the request for a fair hearing within the following time limits:

(1) 60 days after an applicant or member receives written notice from the MassHealth agency of the intended action. Such notice must include a statement of the right of appeal and the time limit for appealing. **In the absence of evidence or testimony to the contrary, it will be presumed that the notice was received on the fifth day after mailing.**

BOH will dismiss a request for hearing if it does not receive an appeal within the regulatory time limits, or if the appeal is withdrawn. 130 CMR 610.035(A)(1) and (2).

In order for Appellant to have preserved the earlier application date, Appellant would have had to submit a request for fair hearing within 60 days of having received MassHealth's December 20, 2024 notice. Appellant can overcome the presumption that the notice was received five days after it was sent with evidence or testimony to the contrary. Appellant's representatives testified that the notice was not received prior to January 6, 2025.

Appellant's request for fair hearing received by BOH on February 28, 2025 is a timely appeal of the December 20, 2024 notice received on January 6, 2025. Appellant also filed a timely appeal of the January 29, 2025 notice which clearly referenced the October 15, 2024 conversion application date, leading Appellant to believe that this application date had been preserved. Relying on the information contained in the January 29, 2025 notice, Appellant mistakenly withdrew this appeal which resulted in the notice that issued on April 1, 2025 and has been appealed today. Given the circumstances, this appeal is approved and remanded back to MassHealth for a determination of eligibility based on the October 15, 2024 application date.

Order for MassHealth

Redetermine eligibility for Appellant based on the October 15, 2024 conversion application date and issue a new notice.

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.

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.

Cynthia Kopka
Hearing Officer
Board of Hearings

cc:

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