

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2508782
Decision Date:	8/6/2025	Hearing Date:	07/09/2025
Hearing Officer:	Thomas J. Goode	Record Open to:	07/23/2025

Appearance for Appellant:



Appearance for MassHealth:

Jernice Diaz, 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:	Denied	Issue:	Long Term Care-Verifications
Decision Date:	8/6/2025	Hearing Date:	07/09/2025
MassHealth's Rep.:	Jernice Diaz	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 April 10, 2025, MassHealth denied Appellant's application for MassHealth long-term care benefits for failure to verify eligibility (130 CMR 516.001 and Exhibit 1). Appellant filed this appeal in a timely manner on June 9, 2025 (130 CMR 610.015(B) and Exhibit 2). Denial of assistance is a valid ground for appeal (130 CMR 610.032). The hearing record remained open until July 23, 2025 to allow Appellant to submit outstanding documentation.

Action Taken by MassHealth

MassHealth denied Appellant's application for long-term care benefits for failure to verify eligibility.

Issue

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

Summary of Evidence

The MassHealth representative testified that an application for long-term care benefits was submitted to MassHealth on February 10, 2025 seeking coverage effective November 27, 2024. Appellant has a spouse in the community. On April 10, 2025, MassHealth issued a denial notice for failure to submit verification of eligibility (Exhibit 1). The MassHealth representative testified that all items identified on the April 10, 2025 denial notice remain outstanding including verification of bank accounts and documentation of transactions over \$1,500, life insurance policies, and a completed long-term care application (Exhibit 1).

Appellant appointed a representative from the nursing facility's business office to appear at hearing on his behalf. Appellant's representative testified that Appellant was discharged to his home on [REDACTED] and several attempts have been made to obtain the outstanding financial documents. Appellant's representative requested that the hearing record remain open to allow her to obtain the outstanding verifications. The hearing record remained open through July 23, 2025 for Appellant to provide the missing verifications. On August 4, 2025, MassHealth confirmed that outstanding documentation had not been received. Appellant's representative stated in an email response that the family did not respond to attempts to obtain the information. (Exhibit 5)

Findings of Fact

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

1. An application for long-term care benefits was submitted to MassHealth on February 10, 2025 seeking coverage effective November 27, 2024.
2. Appellant has a spouse in the community.
3. On April 10, 2025, MassHealth issued a denial notice for failure to submit verification of eligibility. All items identified on the April 10, 2025 denial notice remain outstanding including verification of bank accounts and documentation of transactions over \$1,500, life insurance policies, and a completed long-term care application.
4. Appellant was discharged to his home on [REDACTED]
5. Appellant appointed representatives from the nursing facility's business office to appear at hearing on his behalf.
6. The hearing record remained open through July 23, 2025 for Appellant to provide the outstanding verifications.
7. On August 4, 2025, MassHealth confirmed that outstanding documentation had not been received. Appellant's representative stated in an email response that the family did not

respond to attempts to obtain the information.

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)). 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 (130 CMR 516.002). An 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 (130 CMR 515.008(A)). The right to appeal a MassHealth determination of eligibility applies only to an applicant or member or nursing facility resident, not to a nursing facility seeking payment.¹

An application for long-term care benefits was submitted to MassHealth on February 10, 2025 seeking coverage effective November 27, 2024. On April 10, 2025, MassHealth issued a denial notice for failure to submit verification of eligibility. All items identified on the April 10, 2025 denial notice remain outstanding including verification of bank accounts and documentation of transactions over \$1,500, life insurance policies, and a completed a long-term care application. Appellant was discharged to his home on [REDACTED]. The hearing record remained open through July 23, 2025 for Appellant to provide the missing verifications. On August 4, 2025, MassHealth confirmed that outstanding documentation had not been received. Appellant's representative stated in an email response that the family did not respond to attempts to obtain the information. Despite the allowance of additional time to obtain required verifications during a record-open period, Appellant has not provided to MassHealth verification of assets, resource transfers, life insurance policies and other required eligibility factors. Regulation 130 CMR 516.003(G) allows verification exceptions for special circumstances: "(e)xcept with respect to the verifications of citizenships and immigration status, the MassHealth agency will permit, on a case-by-case basis, self-attestation of individuals for all eligibility criteria when documentation does not exist at the time of application or renewal, or is not reasonably available, such as in the case of individuals who are homeless or have experienced domestic violence or a natural disaster." An exception for special

¹ See 130 CMR 610.001(A) *MassHealth Determinations*. (1) 130 CMR 610.000 sets out the process for requesting and participating in a fair hearing that allows dissatisfied applicants, members, or nursing facility residents to have administrative review of certain actions or inactions on the part of the MassHealth agency and of determinations by a MassHealth managed care contractor.

circumstances does not apply to the facts at hand. Therefore, the appeal must be 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.

Thomas J. Goode
Hearing Officer
Board of Hearings

cc:

[REDACTED]

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