

# Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Approved	Appeal Number:	2509026
Decision Date:	09/23/2025	Hearing Date:	07/25/2025
Hearing Officer:	Thomas Doyle	Record Open to:	08/08/25

Appearance for Appellant:



Appearance for MassHealth:

Shauna Post, Springfield 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

<b>Appeal Decision:</b>	Approved	<b>Issue:</b>	Long Term Care – Patient Paid Amount
<b>Decision Date:</b>	09/23/2025	<b>Hearing Date:</b>	07/25/2025
<b>MassHealth’s Rep.:</b>	Shauna Post	<b>Appellant’s Rep.:</b>	██████████
<b>Hearing Location:</b>	Remote (phone)	<b>Aid Pending:</b>	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 23, 2025, MassHealth changed appellant’s patient-paid amount (PPA) to \$121.05 beginning January 1, 2024. (Ex. 1; Testimony). The appellant filed this appeal in a timely manner on June 13, 2025, disputing the PPA. (Ex. 2). Dispute of a PPA is valid grounds for appeal. (130 CMR 610.032).

### Action Taken by MassHealth

MassHealth changed the PPA amount in April 2025 retroactive to January 1, 2024.

### Issue

The issue is whether MassHealth was correct to change appellant’s PPA amount retroactive to January 1, 2024.

### Summary of Evidence

The appeal representative and the MassHealth worker (worker) appeared by phone and were sworn. The worker testified to the following: The appellant was originally approved for

MassHealth long-term care benefits on April 8, 2024. At the time of the approval, MassHealth notified the appellant that her patient-paid amount (PPA) would be \$121.75 per month. The worker further explained that an error was committed in the initial determination by the MassHealth intake worker who erroneously applied appellant's net income instead of appellant's gross income when determining the PPA amount of \$121.75 a month and this PPA amount was reflected in the long-term care approval notice of April 8, 2024. (Ex. 10, p. 10). The worker testified that the correct PPA should have been \$296.75 a month (Testimony) but because of the error committed by MassHealth in the original PPA calculation, MassHealth was only seeking \$121.05 a month PPA for each month of 2024. The worker testified that subsequent notices in 2024 were sent by the "system" to correct the data discrepancy within MassHealth's system, and this explains why all the subsequent notices had various figures for a PPA amounts. (Testimony; Ex. 9, pp. 14, 18, 22, 26, 30, 34). She testified MassHealth was only seeking to have the PPA amount of \$121.05 a month for 2024 honored and for all subsequent notifications seeking different PPA amounts for 2024 to be disregarded because they were sent in error by the system trying to correct the initial erroneous calculation of the PPA.

The worker testified it is MassHealth that sets the PPA and that the nursing facility accesses the Medicaid Management Information System (MMIS) to view the correct PPA to bill their residents. (Testimony; 130 CMR 520.526).<sup>1</sup> The worker stated MMIS showed a PPA for appellant all throughout 2024 as \$121.05, for a total yearly PPA of \$1,452.60. The record confirms this monthly PPA was known to the nursing facility because appellant submitted a copy of the bill from the nursing facility. (Ex. 6, p. 5).

The record shows, on the following dates, appellant was sent PPA notices by MassHealth, with the amounts due:

On April 8, 2024, PPA of \$121.75 beginning on January 1, 2024 (Ex. 10; p. 10).

On May 22, 2024, PPA of \$122.05 beginning June 1, 2024 (Ex. 10, p. 14).

On June 24, 2024, PPA of \$122.05 beginning June 1, 2024 (Ex. 10, p. 18).

On July 1, 2024, a PPA of \$59.05 beginning July 1, 2024 (Ex. 10, p. 22).

On July 2, 2024, a PPA of \$59.05 beginning on July 1, 2024 (Ex. 10, p. 26).

On October 1, 2024, a PPA of \$21.05 beginning on October 1, 2024 (Ex. 10, p. 30).

On October 2, 2024, a PPA of \$21.05 beginning on October 1, 2024 (Ex. 10, p. 34).

Based on these MassHealth notices sent to appellant, appellant was to pay a PPA of \$121.75 each month for January, February, March, April and May, 2024; a PPA of \$122.05 for the month of June 2024; a PPA of \$59.05 each month for July, August and September 2024; a PPA of \$21.05 each month for October, November and December 2024. The total PPA amount for all of 2024 sought by MassHealth, according to the notices sent by MassHealth, was \$971.10.

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<sup>1</sup> It is a reasonable assumption that appellant did not have access to MMIS.

The appeal representative testified he paid the amount in every notice sent to him by MassHealth throughout 2024. He stated he didn't question the amount being billed. He testified that any bills he received from the nursing facility were for the same amounts of PPA shown in the MassHealth notices. I asked the worker if she agreed that appellant can only rely on the MassHealth notices when paying the PPA amount each month. She stated, "I would say that but in accordance with the bills from the facility as well, these things do not happen in a vacuum." (Testimony).

In summary, the appeal representative argues appellant should not be obligated to pay anything over the PPA amounts MassHealth requested throughout 2024, which he paid. The worker argued that the initial notice, on April 8, 2024, sought a PPA amount of \$121.75 but then MassHealth sent a corrected notice on April 23, 2025 informing appellant the PPA should have been \$121.05 for each month of 2024. The worker argued that the April 2025 notice, which is the subject of this appeal, supersedes the initial April 2024 PPA notice because that notice was sent in error.

## Findings of Fact

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

1. On April 8, 2024, the appellant was approved for MassHealth long-term care coverage. In the approval notice, MassHealth informed the appellant that it had calculated a patient-paid amount (PPA) of \$121.75 per month.
2. In determining the PPA amount of \$121.75 per month, the MassHealth intake worker erroneously applied appellant's net income instead of appellant's gross income. (Ex. 10, p. 10).
2. The correct PPA should have been \$296.75 a month. (Testimony)
3. Through a notice dated April 23, 2025, MassHealth informed the appellant that her PPA would be amended retroactively to \$121.75 a month PPA for each month of 2024. (Testimony).
4. Subsequent notices were sent by the "system" during 2024 to correct the data discrepancy within MassHealth's database. These subsequent notices reflected different figures for a PPA amounts. (Testimony; Ex. 9, pp. 14, 18, 22, 26, 30, 34).
5. MassHealth sets the PPA and nursing facilities access MMIS to view the correct PPA to bill residents. MMIS showed a PPA for appellant as \$121.05 a month for all of 2024, for a total yearly PPA of \$1,452.60. (Testimony).
6. Appellant did not have access to MMIS.

7. Based on MassHealth notices sent to appellant, appellant was to contribute a PPA of \$121.75 each month for January, February, March, April and May, 2024; a PPA of \$122.05 for the month of June 2024; a PPA of \$59.05 each month for July, August and September 2024; and a PPA of \$21.05 each month for October, November and December 2024. The total PPA amount for all of 2024 sought by MassHealth was \$971.10. (Ex. 10).
8. Appellant paid the PPA amount reflected in every notice sent to him by MassHealth throughout 2024. (Appeal Representative Testimony).

## **Analysis and Conclusions of Law**

The appellant has the burden "to demonstrate the invalidity of the administrative determination." Andrews v. Division of Medical Assistance, 68 Mass. App. Ct. 228 (2007). Moreover, "[p]roof by a preponderance of the evidence is the standard generally applicable to administrative proceedings." Craven v. State Ethics Comm'n, 390 Mass. 191, 200 (1983).

The record shows appellant has met his burden. The fair hearing regulations at 130 CMR 610.015(A) provide in relevant part that "[b]efore an intended appealable action, the MassHealth Agency must send a timely written notice to the member except as provided in 130 CMR 610.027.<sup>2</sup> A timely notice is a notice mailed at least ten days before the action." The notice in this case, which informed the appellant of MassHealth's intent to retroactively increase her PPA, came more than a year after the effective date of the intended action. It is commendable that MassHealth admits its mistake in calculating the PPA amount owed by appellant. However, after a year of sending appellant PPA notices, which appellant relied upon in making payments to the nursing facility, MassHealth attempted to correct their mistake by requiring appellant to retroactively pay extra money over the amounts mandated in the PPA notices sent to appellant throughout 2024. MassHealth determines the amount of the PPA. The PPA notices sent by MassHealth to appellant are the only mechanism available to appellant informing her what PPA is due to the nursing facility. To allow MassHealth to change the amount of the PPA months after appellant has already paid what was sought by MassHealth would be an affront to the concepts of fundamental fairness and violates the notice requirements at 130 CMR 620.015(A). Appellant has met her burden and this appeal is approved.

## **Order for MassHealth**

Adjust the MMIS for 2024 to show the following PPA was due by appellant:

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<sup>2</sup> The exceptions set forth at 130 CMR 610.027 do not apply here.

- PPA of \$121.75 each month for January, February, March, April and May, 2024;
- PPA of \$122.05 for the month of June 2024;
- PPA of \$59.05 each month for July, August and September 2024;
- PPA of \$21.05 each month for October, November and December 2024.

## 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.

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Thomas Doyle  
Hearing Officer  
Board of Hearings

cc: [REDACTED]

MassHealth Representative: Dori Mathieu, Springfield MassHealth Enrollment Center, 88 Industry Avenue, Springfield, MA 01104, 413-785-4186