

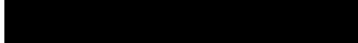
**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Approved	Appeal Number:	2509277
Decision Date:	9/19/2025	Hearing Date:	07/17/2025
Hearing Officer:	Mariah Burns	Record Open to:	09/12/2025

Appearances for Appellant:



Appearance for MassHealth:

Stacy Kirby, Taunton MassHealth Enrollment Center

Interpreter:



*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	Issue:	Long-Term Care; Under 65; Verifications
Decision Date:	9/19/2025	Hearing Date:	07/17/2025
MassHealth's Rep.:	Stacy Kirby	Appellant's Reps.:	[REDACTED]
Hearing Location:	Telephone (Taunton)	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 June 2, 2025, MassHealth denied the appellant's application for MassHealth long-term care benefits on the grounds that the appellant is not disabled or pregnant.¹ See 130 CMR 519.006(A)(1) and Exhibit 1. The appellant filed this appeal in a timely manner on June 19, 2025. See 130 CMR 610.015(B) and Exhibit 2. Denial of assistance is valid grounds for appeal. See 130 CMR 610.032.

Action Taken by MassHealth

MassHealth denied the appellant's application for long-term care benefits.

Issue

The appeal issue is whether MassHealth gave adequate notice of its reason for denying the

¹ As discussed, *infra*, the MassHealth stated at the hearing that this reason for denial is inaccurate and was issued in error.

appellant's application for long-term care benefits.

Summary of Evidence

The appellant is an adult under the age of 65 who currently resides in a skilled nursing facility. She was represented at the hearing by her invoked healthcare proxy, who also gave permission for a worker from the nursing facility to speak on the appellant's behalf. MassHealth was represented by a worker from the Taunton MassHealth Enrollment Center. All parties appeared by telephone. The following is a summary of the testimony and evidence provided at hearing.

The appellant submitted an application for long-term care benefits on April 9, 2025. MassHealth sent a request for information on April 17, 2025. On June 2, 2025, the MassHealth computer system generated a notice denying the appellant's application on the grounds that the appellant is not pregnant or disabled. The MassHealth representative reported that this basis for denial was made in error. She stated that the appellant has been verified to be disabled, and that the reason for the denial was because the appellant failed to provide proof that she has been denied Social Security Disability Insurance (SSDI) benefits.

The record was kept open until September 12, 2025, for the appellant's representatives to obtain and submit the requested documentation. As of the writing of this decision, the appellant has provided no such information.

Findings of Fact

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

1. On April 9, 2025, the appellant submitted an application for MassHealth long-term care benefits. Testimony.
2. On June 2, 2025, the appellant's application was denied on the grounds that she is neither pregnant nor disabled. Exhibit 1.
3. The appellant filed a timely request for fair hearing on June 19, 2025. Exhibit 2.
4. The basis for denial was generated in error, and the appellant's application was denied due to missing verifications. Testimony.

Analysis and Conclusions of Law

MassHealth must send a written timely and adequate notice of an intended appealable action "at

least ten days before the action.” 130 CMR 610.015(A). That notice must contain the following information:

- (1) a statement of the intended action;
- (2) the reasons for the intended action;
- (3) a citation to the regulations supporting such action;
- (4) an explanation of the right to request a fair hearing; and
- (5) the circumstances under which assistance is continued if a hearing is requested.

130 CMR 610.026(A). MassHealth eligibility regulations also require the agency to send written notice of an eligibility determination that “provides information so the applicant or member can determine the reason for any adverse decision or directs the applicant or member to such information.” 130 CMR 516.008(A). Appealing a denial notice for long-term care will preserve the most recent application date for benefits. *See generally* 130 CMR 516.002.

In this instance, MassHealth agrees that the appealed notice did not adequately convey the reason for which the appellant was denied MassHealth benefits. Thus, I find that the June 2, 2025, notice was issued in error. The appropriate remedy in this circumstance is for MassHealth to preserve the April 9, 2025, application date, and send a new notice indicating the actual reason why the appellant’s application was denied and affording her new appeal rights.

For the foregoing reasons, the appeal is hereby APPROVED.

Order for MassHealth

Preserve the application date of April 9, 2025, and issue a new notice reflecting an accurate basis for denial of the appellant’s long-term care benefit application, with appeal rights.

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.

Mariah Burns
Hearing Officer
Board of Hearings

cc: [REDACTED]

cc: [REDACTED]

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