

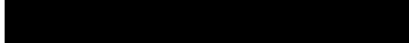
**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2511053
Decision Date:	10/28/2025	Hearing Date:	08/26/2025
Hearing Officer:	Marc Tonaszuck	Record Open to:	10/17/2025

Appearances for Appellant:



Appearances for MassHealth:

Yous Khieu and Eileen Smith



*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:	10/28/2025	Hearing Date:	08/26/2025
MassHealth's Rep.:	Yous Khieu and Eileen Smith	Appellant's Rep.:	[REDACTED]
Hearing Location:	Charlestown MassHealth Enrollment Center	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 07/02/2025, MassHealth informed the appellant that it reviewed her application for MassHealth Long Term Care (LTC) benefits determined and that she is not eligible because she failed to submit requested verifications (130 CMR 515.008; Exhibit 1). On 07/28/2025, a timely appeal was filed by the appellant (130 CMR 610.015(B); Exhibits 2). MassHealth agency actions to suspend, reduce, terminate, or restrict a member's assistance are valid grounds for appeal (see 130 CMR 610.032).

A fair hearing took place before the Board of Hearings (Board) on 08/26/2025 (Exhibit 3). The appellant representative requested an extension of time to submit the missing verifications. Her request was granted, and the record remained open in this matter until 09/05/2025 for the appellant's submission and until 09/15/2025 for MassHealth's submission (Exhibit 5). On 09/03/2025, the appellant's representative submitted a request for a second extension of the hearing record. Her request was granted, and the record remained open in this matter until 10/03/2025 for the appellant's submission and until 10/17/2025 for MassHealth's submission. On 10/02/2025, the appellant's representative requested a third extension of time. The request was denied (Exhibits 6-9).

Action Taken by MassHealth

MassHealth denied the appellant's application for Long Term Care (LTC) benefits for failure to submit requested verifications.

Issue

The issue is whether or not the requested verifications were submitted to MassHealth.

Summary of Evidence

The MassHealth representative testified telephonically that the appellant submitted an application for MassHealth long term care (LTC) benefits on 05/14/2025, seeking MassHealth benefits on 06/22/2025. A request for verifications was sent by MassHealth, requesting various financial information to process the appellant's application for benefits. On 07/02/2025, some of the verifications remained outstanding and MassHealth denied the application.

As of the date of the fair hearing, the missing verifications were the following:

- There is a real estate match for the two trusts requested. MassHealth is requesting settlement papers for any property that sold and where funds went. Taxes and income for both trusts for past 2 years are needed also.
- All bank statements are still needed and source of deposits and proof of where withdrawals of \$1,000 and over went.
- ARD form for a family member is needed as well as PSI for the appellant's appeal representatives from the nursing home.
- Detailed private pay letter with payments received, amounts and where they were applied.
- Auto title
- Complete signature pages signed by the authorized representative.
- All sources of income verified and shown where it is deposited.

(Exhibit 4.)

The appellant was represented at the fair hearing by two employees of the skilled nursing facility, who testified that an attorney was hired two weeks prior to assist with obtaining the missing verifications. The appellant representative requested an extension of time to submit the missing verifications. Her request was granted, and the record remained open in this matter until 09/05/2025 for the appellant's submission and until 09/15/2025 for MassHealth's submission. On 09/03/2025, the appellant's representative submitted a request for a second extension of the hearing record. Her request was granted, and the record remained open in this matter until 10/03/2025 for the appellant's submission and until 10/17/2025 for MassHealth's submission. On 10/02/2025, the appellant's representative requested a third extension of time. The request was denied (Exhibits 5-9).

During the record open period, the appellant's representatives made no submission. On 10/07/2025, the MassHealth representative informed the hearing officer that the following verifications remained outstanding:

- I received the trust documents on [REDACTED] realty trust, deeds and value. This home was transferred to the trust on [REDACTED] 2019 and recorded on [REDACTED] 2020. The applicant and her spouse were trustees then. On [REDACTED] 2021 the home was transferred to the [REDACTED] Realty trust and was sold on [REDACTED] 2024. The settlement papers were not sent in for the sale.
- The [REDACTED] realty trust documents were sent in minus the value of the home in 2022 when it sold. I did not receive any settlement paperwork.

The remaining items that were not received are-

- PNA statement from admission to present a detailed private pay letter, proof of her address prior to admission to the nursing home.
- Signature pages signed by the person who is authorized to represent her, ARD form and proof of authority to represent are missing.
- I did not receive proof of all of her income and where deposited, and the automobile question was not answered, and no proof of any autos was provided.
- Finally, bank statements for all accounts for the time period of 1/2024-5/2025, source of any deposits and proof of where any large withdrawals were missing.
- I do have her spouse's death certificate with his name on it.

(Exhibit 10.)

Findings of Fact

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

1. The appellant, a nursing home resident, applied for MassHealth long term care benefits on 05/14/2025.
2. The appellant is requesting MassHealth benefits starting on 06/22/2025.
3. MassHealth sent to the appellant a request for information (VC-1), seeking information necessary to make an eligibility determination.
4. On 07/02/2025, MassHealth denied the appellant's application for benefits because it did not receive the requested verifications.
5. The appellant submitted a request for a fair hearing on 07/28/2025.
6. A fair hearing took place before the Board of Hearings on 08/26/2025.
7. At the fair hearing, the MassHealth representative testified that the following verifications were not received by MassHealth:
 - There is a real estate match for the two trusts requested. MassHealth is requesting settlement papers for any property that sold and where funds went. Taxes and income for both trusts for past 2 years are needed also.
 - All bank statements are still needed and source of deposits and proof of where withdrawals of \$1,000 and over went.
 - ARD form for a family member is needed as well as PSI for the appellant's appeal representatives from the nursing home.
 - Detailed private pay letter with payments received, amounts and where they were applied.
 - Auto title
 - Complete signature pages signed by the authorized representative.

- All source of income verified and shown where it is deposited.

(Exhibit 5.)

8. At the fair hearing, the appellant representative requested an extension of time to submit the missing verifications. Her request was granted, and the record remained open in this matter until 09/05/2025 for the appellant's submission and until 09/15/2025 for MassHealth's submission.
9. On 09/03/2025, the appellant's representative submitted a request for a second extension of the hearing record. Her request was granted, and the record remained open in this matter until 10/03/2025 for the appellant's submission and until 10/17/2025 for MassHealth's submission.
10. On 10/02/2025, the appellant's representative requested a third extension of time. The request was denied.
11. The appellant's representatives made no submission during the record open period.
12. On 10/07/2025, the MassHealth representative informed the hearing officer that the following verifications remained outstanding:

- I received the trust documents on [REDACTED] realty trust, deeds and value. This home was transferred to the trust on [REDACTED] 2019 and recorded on [REDACTED] 2020. The applicant and her spouse were trustees then. On [REDACTED] 2021 the home was transferred to the [REDACTED] Realty trust and was sold on [REDACTED] 2024. The settlement papers were not sent in for the sale.

- The [REDACTED] realty trust documents were sent in minus the value of the home in 2022 when it sold. I did not receive any settlement paperwork.

The remaining items that were not received are-

- PNA statement from admission to present a detailed private pay letter, proof of her address prior to admission to the nursing home.

- Signature pages signed by the person who is authorized to represent her, ARD form and proof of authority to represent are missing.

- I did not receive proof of all her income and where deposited, and the automobile question was not answered, and no proof of any autos was provided.

- Finally, bank statements for all accounts for the time period of 1/2024-5/2025, source of any deposits and proof of where any large withdrawals were missing.
- I do have her spouse's death certificate with his name on it.

Analysis and Conclusions of Law

MassHealth regulations at 130 CMR 515.008 address responsibilities of applicants and members as follows:

(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.

Regulations at 130 CMR 516.001(B) address corroborative information as follows:

The MassHealth agency requests all corroborative information necessary to determine eligibility.

- (1) The MassHealth agency sends the applicant written notification requesting the corroborative information generally within five days of receipt of the application.
- (2) The notice advises the applicant that the requested information must be received within 30 days of the date of the request, and of the consequences of failure to provide the information.

This appeal involves a denial of MassHealth LTC benefits based on the appellant's failure to provide requested verifications within the regulatory time frame. The application was submitted on 05/14/2025. MassHealth sent a request for verifications to the appellant, requesting certain documents and information to establish eligibility for LTC benefits. The appellant failed to provide all of the requested information, and on 07/02/2025, MassHealth denied the appellant's application for failure to provide verifications. A timely appeal was filed on behalf of the appellant, and a fair hearing was held before the Board of Hearings.

At the fair hearing, the MassHealth representative testified that the following verifications remained outstanding:

- There is a real estate match for the two trusts requested. MassHealth is requesting settlement papers for any property that sold and where funds went. Taxes and income for both trusts for past 2 years are needed also.

- All bank statements are still needed and source of deposits and proof of where withdrawals of \$1,000 and over went.
- ARD form for a family member is needed as well as PSI for the appellant's appeal representatives from the nursing home.
- Detailed private pay letter with payments received, amounts and where they were applied.
- Auto title
- Complete signature pages signed by the authorized representative.
- All sources of income verified and shown where it is deposited.

The record remained open until 10/17/2025. During the record open period the appellant's representative made no submission. The MassHealth representative informed the hearing officer that the following verifications had not been provided:

- I received the trust documents on [REDACTED] realty trust, deeds and value. This home was transferred to the trust on [REDACTED] 2019 and recorded on [REDACTED] 2020. The applicant and her spouse were trustees then. On [REDACTED] 2021 the home was transferred to the Williams Otis Realty trust and was sold on [REDACTED] 2024. The settlement papers were not sent in for the sale.
- The [REDACTED] realty trust documents were sent in minus the value of the home in 2022 when it sold. I did not receive any settlement paperwork.

The remaining items that were not received are-

- PNA statement from admission to present a detailed private pay letter, proof of her address prior to admission to the nursing home.
- Signature pages signed by the person who is authorized to represent her, ARD form and proof of authority to represent are missing.
- I did not receive proof of all her income and where deposited, and the automobile question was not answered, and no proof of any autos was provided.
- Finally, bank statements for all accounts for the time period of 1/2024-5/2025, source of any deposits and proof of where any large withdrawals were missing.

Because the appellant did not provide the requested verifications prior to or during the hearing process, MassHealth's decision to deny the application is supported by the regulations and the relevant facts in the hearing record. This appeal is therefore 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.

Marc Tonaszuck
Hearing Officer
Board of Hearings

[REDACTED]

[REDACTED]

MassHealth Representative: Monica Ramirez, Charlestown MassHealth Enrollment Center, 529 Main Street, Suite 1M, Charlestown, MA 02129