

AFFIDAVIT OF COUNSEL

NOW COMES Pamela B. Greenfield, of Needham, Massachusetts, and hereby deposes and states that:

1. I am an attorney in good standing, licensed to practice in the Commonwealth of Massachusetts, with a principal place of business at of Samuel, Sayward & Baler, LLC, 858 Washington Street, Ste. 202, Dedham, Massachusetts 02026. I have served on the Board of Directors for the MassNAELA organization since January 2015.
2. Part of my law practice involves assisting elders with MassHealth long term care applications. Over the last 11 years I have processed and advised clients on over 100 MassHealth applications. About 90% of my practice involves advising on long term care planning and MassHealth applications. I have attended numerous administrative fair hearings during the past 11 years of practicing in elder law.
3. During this time I have seen a general lack of willingness and reasonableness from the MassHealth caseworkers to assist my clients in navigating the MassHealth process despite their very best efforts to comply with the agency's information requests. It bears mentioning that these clients are extremely vulnerable, elderly and in desperate need of health insurance coverage to pay for skilled nursing home care. The process puts a profound amount of stress and anxiety on families who are also attempting to deal with a loved one facing chronic, terminal or debilitating health issues.
4. For new cases, MassHealth assigns an intake caseworker to each new application. The intake worker sends an initial Request for Information (RFI) which must be answered within a certain timeframe. Although MassHealth is required to give the applicant 30 days to comply with the request, this period is often shorter and the notice is not received until several days after it is dated. This often results in elderly applicants having less than three weeks to comply with sometimes lengthy requests. Additionally, many times the caseworkers are unwilling to return phones calls with questions from the applicant/attorney about the request or to allow for an extension when the applicant/attorney calls with a good faith request before the deadline.
5. Once the worker reviews the information provided following the RFI, it is quite rare for the worker to contact the applicant/attorney to discuss the information provided, any new questions he or she may have resulting from the new information provided or obtain clarification on the information provided. While in the past MassHealth would typically send out a "Second RFI" with a new deadline, this is no longer done in typical practice. Rather MassHealth's standard practice is to deny the case for failure to provide verifications, even if all of the requested items *were* timely provided and there is a minor question or issue that could simply be resolved with a call or email. Even worse, the denial notice rarely states what the missing verification, information or question is so the attorney/applicant has no information about why the case was denied and how to remedy the situation.

6. This particular situation produces a chain reaction of inefficiency, delay, anxiety and wasted resources. Due to the lack of detail on the notice and inaccessibility of the worker, once the denial for verifications is received the attorney is forced to file a request for fair hearing in order to ensure that the initial application date is preserved. The caseworker, who often no longer has the file after the denial is issued, is unable to assist in resolving the issue (no matter how minor) until the hearing is scheduled several months later. All the while, the nursing home is not getting paid and the family is more and more anxious.

7. It is my firm belief that this is an incredible waste of resources and time which could easily be remedied by better communication on the front end with the worker. The current state of affairs is absolutely unmanageable for someone who is attempting to navigate the system without a skilled advocate. It undoubtedly results in a loss of benefits for the most vulnerable of applicants who are financially and clinically eligible for the program but fail to comprehend the cumbersome and illogical process.

8. Finally, I am sure that the issues raised above are easily remedied, preventable issues that would no doubt save the Commonwealth money in the long run.

SIGNED under the pains and penalties of perjury on this 18 day of May, 2018.



Pamela B. Greenfield