

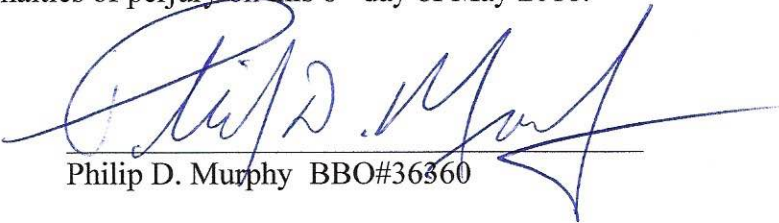
AFFIDAVIT OF COUNSEL

NOW COMES Philip D. Murphy, Milton, 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 1050 Canton Avenue, Milton, Massachusetts 02186. I have been practicing law in Massachusetts since 1979 and have specialized in Elder and Special Needs for the past 14 years. I am a past President of the Massachusetts Chapter of the National Academy of Elder Law Attorneys.
2. Part of my law practice involves assisting elders with MassHealth long-term care applications. Although my solo practice is relatively small, over the last several years I have processed and advised clients on several MassHealth applications.
3. In all of my cases involving applications for MassHealth long-term care, once a MassHealth long-term care application is filed, MassHealth requests further verification of information regarding the application and, regardless of the information sent or the timeliness of the response, MassHealth issues a denial asserting a failure to submit sufficient information for the agency to determine eligibility or it cryptically states that the denial is because the applicant's assets exceed the allowable limits, without further explanation. MassHealth does not explain what information is lacking or why the applicant's assets exceed the allowable limits.
4. Faced with insufficient reasons for the denial, I am forced to file an appeal in order to preserve my client's rights and then I am forced to spend considerable time trying to contact MassHealth caseworkers to determine why the application was denied and how I can address the real reason for the agency's denial. This causes my clients a great deal of anxiety and consternation. In some cases, I am needlessly forced to go to a Fair Hearing to resolve the issues rather than handle things efficiently at the administrative level.
5. Unfortunately, this MassHealth process has become routine in my practice and I counsel my clients to expect it in every case.
6. I believe that the manner that MassHealth processes long-term care applications and issues denials that lack clear guidance about the reasons for the denial violates my clients' rights to due process. Based on discussions with colleagues, I am not alone in this experience and belief.

SIGNED under the pains and penalties of perjury on this 8th day of May 2018.


Philip D. Murphy BBO#36360