

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF SUFFOLK
SUPERIOR COURT
DOCKET NO. 1884CV00129

)
Jean Maas, Plaintiff)
)
V.)
)
Marylou Sudders, Secretary of)
Executive Office of Health and)
Human Services, and)
)
Kim Larkin, Director of the Board)
of Hearings of the Office of)
Medicaid, Defendants)
)
_____)

**AFFIDAVIT OF
JEFFREY A. BLOOM**

I, Jeffrey A. Bloom, state as follows:

1. My name is Jeffrey A. Bloom. I am an attorney admitted to the practice of law in Massachusetts. My Board of Bar Overseers number is 638339. I have personal knowledge of the matters set forth herein.

2. My practice has been exclusively devoted to the practice of elder law, special needs law and estate planning since 1997. As part of my practice, I have processed and advised numerous clients on their MassHealth applications and have attended numerous administrative fair hearings.

3. To the best of my recollection, knowledge, and belief from over 20 years of practice in elder law, in every instance where a client of the firm has received a denial of MassHealth long-term care benefits, the notice of denial was vague and simply stated that the

reason for the denial was that the applicant had more “countable assets” than the MassHealth benefits program allows, citing 130 CMR 520.003 and 130 CMR 520.004. No further explanation as to the reason the assets were countable was provided. To the best of my knowledge and belief, my experience as described in this paragraph is the common, if not universal, experience of all elder law attorneys in Massachusetts.

4. To the best of my recollection, knowledge, and belief, in most, if not all, instances where a client of the firm has appealed the denial of MassHealth benefits to the MassHealth Board of Hearings, neither I nor my client were made aware of the specific reasons why the assets were deemed countable until the Fair Hearing itself or shortly before the hearing, at which time the MassHealth representative presented me with a memorandum from the EOHHS legal department which contained such reasons. In many cases, our office made a request to MassHealth that we be provided with the memorandum prior to the hearing and those requests were denied. To the best of my knowledge and belief, my experience as described in this paragraph is the common, if not universal, experience of all elder law attorneys in Massachusetts.

Signed under the pains and penalties of perjury this 10th day of April,
2018.

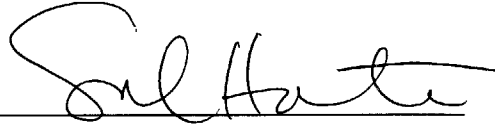


Jeffrey A. Bloom

COMMONWEALTH OF MASSACHUSETTS

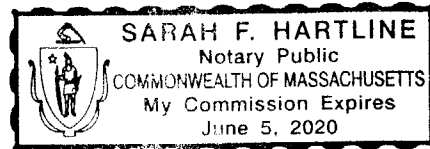
Norfolk, ss.

On this 10th day of April, 2018, before me appeared Jeffrey A. Bloom, who proved to me through government-issued photo identification to be the person whose name is signed on this Affidavit, and who swore or affirmed to me that the contents of this Affidavit are truthful and accurate to the best of his knowledge.



Notary Public

My commission expires:





MARGOLIS & BLOOM, LLP
Planning for Life

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April 10, 2018

Brian Barreira
118 Long Pond Road
Suite no. 206
Plymouth, MA 02360

Re: Affidavit of Jeffrey A. Bloom

Dear Mr. Barreira:

As requested, please find enclosed the Affidavit of attorney Jeffrey A. Bloom.

If you have any questions, please do not hesitate to contact our office at: 781-705-6400.

Sincerely,

Delia Larson
Legal Assistant

Enclosures

cc: Sarah Hartline (with enclosure)

M:\DLA\Barreira, Brian (4.10.18).frm



ElderLawAnswers

