

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

1. I am an elder law and special needs planning attorney, practicing in these fields in Massachusetts for approximately fourteen years. My office is located at 167 Washington Street in Norwell. I frequently file MassHealth applications on behalf on my clients.
2. Notices received from MassHealth are almost always vague and almost always require a phone call to the caseworker to obtain clarification. It can take several days to hear back from the caseworker. Even then, there is an element of unreliability when receiving clarification orally rather than in writing. Note that we only have thirty days to respond to a notice; waiting several days to connect with a caseworker can use up valuable time needed to work with the client to obtain the information needed for the response.
3. Even when a notice is not vague, it frequently contains wrong information. For example, the notice may use incorrect income figures, or mislabel an account as to which spouse owns it. In addition, notices frequently ask questions previously answered, and ask for

documentation previously submitted. These types of errors and oversights waste my time in deciphering what accounts or income figures, etc. should have been listed, and in resubmitting answers and information already provided. These errors also waste the time of the (taxpayer-funded) MassHealth caseworker.

4. Sometimes, a notice will contain no guiding information whatsoever. In September, 2017, I received a client denial notice, and under the header "Reason and Manual Citation," the notice had absolutely no text.
5. When dealing with vague, incorrect, or otherwise lacking notices, I must file an appeal with MassHealth in order to preserve the original date of eligibility. To file an appeal, I must complete a form, send it to the client for signature, then submit it to the Board of Hearings. After working things out with the caseworker as noted above, I then need to call the Board of Hearings to withdraw the appeal. This is a waste of my time as well as the staff at the Board of Hearings.

SIGNED under the pains and penalties of perjury on this 27th day of April, 2018.



Alexis B. Levitt
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