

AFFIDAVIT OF LIANE ZEITZ, ESQ.

I, **LIANE ZEITZ, ESQ.**, of Pathway Law, Belmont, MA, do under oath depose and say that:

1. I have been practicing as an elder law attorney for over 31 years, during which time I have worked at the Legal Assistance Corporation of Central Massachusetts, Greater Boston Elderly Legal Services and in private practice.
2. Throughout my legal career I have dealt with Medicaid issues and routinely advised clients about Medicaid denial notices.
3. It is my experience that the explanation of a denial is rarely explained with sufficient detail for my client or me to understand the basis for the Office of Medicaid's action.
4. I cannot recall a time in which I did not have to contact the worker to request a more detailed explanation. This has caused great inconvenience as workers are often not available and do not always return phone calls promptly, if at all.
5. Generally it has been difficult to reach a worker until a hearing is scheduled. Since hearing notices are given approximately ten days in advance, this leaves little time to prepare or obtain missing documentation.
6. Attached are true and accurate copies of two recent denial notices I received. In my experience these are typical denial notices.
7. In the notice dated November 3, 2017 (received in my office on November 14, 2017), we filed an appeal and a hearing was scheduled for January 8, 2018. When I called and spoke to the caseworker, I learned that the nursing home had not submitted two documents. Once the documents were submitted, the application was approved and we could withdraw the hearing request.
8. In the notice dated January 5, 2018 (received in my office on January 16, 2018), I called and was advised by the worker that the denial letter was generated automatically because he had not had the time to process the application. He suggested that I file an appeal and told me that he hoped he would be able to process the application before the hearing.
9. Receiving an inquiry from the nursing facility regarding the denial dated January 5, 2018, I advised the business office manager of the explanation for the denial. This is a direct quote from the email she sent to me: "Hi Liane, I get those automated denials on a regular basis these days. The system is totally flawed. Thank you for the update."

Signed under the pain and penalty of perjury,



LIANE ZEITZ

BBO # 547049

Pathway Law

385 Concord Avenue, Suite 103

Belmont, MA 02478

(617) 484-6610

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

On this 18th day of January, 2018, then personally appeared the above-named **LIANE ZEITZ**, personally known to me, to be the person whose name is signed on the preceding document and acknowledged that she signed it voluntarily for its stated purpose.



Notary: Susan Traganos

My Commission Expires:



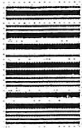
SUSAN M. TRAGANOS
NOTARY PUBLIC
Commonwealth of Massachusetts
My Commission Expires
January 27, 2023

SPRINGFIELD OFFICE
88 INDUSTRY AVE, SUITE D
SPRINGFIELD MA 01104-3259

Commonwealth of Massachusetts
Executive Office of Health
and Human Services
Office of Medicaid
www.mass.gov/mashealth

Tel: (800) 841-2900
TTY: (888) 665-9997
Fax: (413) 785-4107

Reference : [REDACTED]



526/D *000738*
PATHWAY LAW
c/o LIANE ZEITZ
385 CONCORD AVE SUITE 103
BELMONT MA 02478

Attn: PATHWAY LAW Re: Notice sent to [REDACTED]

Date: 11/03/2017 Notice: [REDACTED] SSN: [REDACTED]

Dear [REDACTED]

Important! This health-care benefits notice tells you the decisions we have made about certain programs that you may be eligible for. Please read the whole notice to find out about your health-care benefits.

MassHealth Long-Term-Care Services in a Nursing Facility

MassHealth has reviewed your application for MassHealth long-term-care services which you filed on 09/20/2017. You are not eligible for MassHealth long-term-care services for the following reasons:

Reason and Manual Citation

You did not give MassHealth the information it needs to decide your eligibility within the required time frame. 130 CMR 515.008

If your application for MassHealth was denied because you did not give us the information or proof we needed to decide if you are eligible for MassHealth, you can either:

continued...

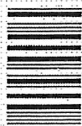
Received 11/14/17

CHELSEA OFFICE
45 - 47 SPRUCE STREET
CHELSEA MA 02150-3675

Commonwealth of Massachusetts
Executive Office of Health
and Human Services
Office of Medicaid
www.mass.gov/masshealth

Tel: (800) 322-1448
TTY: (888) 665-9997
Fax: (617) 889-3285

Reference : [REDACTED]



556/D *001231*
PATHWAY LAW
c/o LIANE ZEITZ
385 CONCORD AVE SUITE#103
BELMONT MA 02478

Attn: PATHWAY LAW Re: Notice sent to [REDACTED]

Date: 01/05/2018 Notice: [REDACTED] SSN: [REDACTED]

Dear [REDACTED]

Important! This health-care benefits notice tells you the decisions we have made about certain programs that you may be eligible for. Please read the whole notice to find out about your health-care benefits.

MassHealth Long-Term-Care Services in a Nursing Facility

MassHealth has reviewed your application for MassHealth long-term-care services which you filed on 11/03/2017. You are not eligible for MassHealth long-term-care services for the following reasons:

Reason and Manual Citation

You did not give MassHealth the information it needs to decide your eligibility within the required time frame. 130 CMR 515.008

If your application for MassHealth was denied because you did not give us the information or proof we needed to decide if you are eligible for MassHealth, you can either:

RECEIVED
JAN 16 2018

continued...