

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision: Denied

Appeal Number: 2176047

Decision Date: 10/15/2021

Hearing Date: 09/17/2021

Hearing Officer: Radha Tilva

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Kathryn Begin, Tewksbury MEC Rep.



*The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
Board of Hearings
100 Hancock Street, Quincy, Massachusetts 02171*

APPEAL DECISION

Appeal Decision:	Denied	Issue:	Eligibility
Decision Date:	10/15/2021	Hearing Date:	09/17/2021
MassHealth's Rep.:	Kathryn Begin	Appellant's Rep.:	Pro se
Hearing Location:	Tewksbury MassHealth Enrollment Center	Aid Pending:	Yes

Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder.

Jurisdiction

Through a notice dated July 15, 2021, MassHealth terminated appellant's MassHealth benefits effective July 29, 2021 (Exhibit 1). The appellant filed this appeal in a timely manner on July 23, 2021 (see 130 CMR 610.015(B) and Exhibit 2). Denial of assistance is valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth issued a notice terminating appellant's MassHealth benefits effective July 29, 2021.

Issue

The appeal issue is whether MassHealth was correct in issuing a termination notice?

Summary of Evidence

MassHealth was represented by a case worker from Tewksbury who testified that a renewal application was requested by MassHealth. Appellant was receiving MassHealth Care Plus benefits since January 12, 2015 (Exhibit 4). The MassHealth representative testified that appellant submitted a renewal application online on July 15, 2021. The MassHealth representative stated that

the online application asks a question as to whether or not the member needs assistance paying for health insurance. The member, in this case, checked off “I’m not sure.” The representative explained that upon doing that the computer system automatically issued the termination notice stating that he withdrew the application. The notice cited to 130 CMR 520.009 which addresses voluntary withdrawals (see Exhibit 1). The representative agreed that the online application does not explain that failure to answer “yes” to the question results in a termination. The representative explained that a member needs to check off “yes” that they want to get MassHealth/need help to pay for health care. The representative stated that she could easily change that in the system if appellant did need assistance, however, MassHealth would just need income verification because the application was missing that information.

The appellant appeared by telephone at hearing and testified that he did not have the system in front of him to know what he checked off. The appellant further stated that he received a notice stating that he requested his case to be withdrawn, but felt like it was a false statement because he did not ask for his case to be withdrawn.

The appellant stated that he wanted to put on the record that he only received a phone call yesterday from MassHealth, however, he had reached out on multiple occasions and left messages and no one called him back. The appellant also stated that he could not agree to anything right now that would jeopardize his opportunity to receive MassHealth. The appellant testified, however, that he did not need MassHealth health insurance on the hearing date. The appellant stated that he is not disputing what he checked off on his application, but agreed that he does not need health insurance today. The appellant also explained that at the time he filled out the renewal he was not sure and he also did not understand that him checking off “I’m not sure” would result in a termination. The appellant stated that his MassHealth insurance card expired two years ago, but he has had insurance with his work since October 1, 2019. The appellant requested a transcript of the hearing.

The hearing officer explained to appellant that his benefits were not terminated as a result of his case being protected by the Board of Hearings. The hearing officer further stated that if appellant wanted to continue to receive benefits he just had to tell the MassHealth representative today that he does want MassHealth assistance.

Findings of Fact

Based on a preponderance of the evidence, I find the following:

1. Appellant has been receiving MassHealth Care Plus benefits since January 12, 2015.
2. On July 15, 2021 appellant completed an online renewal application.
3. The application asked whether the member needed MassHealth assistance paying for health insurance and gave three choices: yes, no, or I’m not sure.
4. Appellant marked off “I’m not sure.”

5. The MassHealth representative explained that marking off “I’m not sure” resulted in the MassHealth computer system issuing the termination notice at issue.
6. The appellant appealed the termination notice on July 23, 2021 and benefits remained protected through the appeal process.
7. At hearing the appellant stated that he no longer needed MassHealth assistance/insurance.

Analysis and Conclusions of Law

Pursuant to 130 CMR 520.007 the MassHealth agency reviews eligibility once every 12 months. The MassHealth agency updates eligibility based on information received as a result of such review (130 CMR 520.007). MassHealth determines, as a result of this review, if the member is no longer eligible for MassHealth (130 CMR 520.007(B)(3)). Based on the MassHealth representative’s testimony, which is credible, appellant did not answer “yes” when MassHealth asked whether or not he required MassHealth assistance. While he did not check off “no” checking off “I’m not sure” resulted in MassHealth issuing the termination notice. As described above MassHealth may update eligibility based on information received (130 CMR 520.007). MassHealth’s interpretation of appellant indicating he was not sure as to whether he needed MassHealth assistance is not in error. Furthermore, appellant was not prejudiced by this notice as appellant’s benefits remained intact through the Board of Hearings protection. At hearing, however, appellant indicated that he no longer needs MassHealth assistance therefore MassHealth may terminate benefits. Based on the analysis above this matter is DENIED.

Order for MassHealth

Remove aid pending and re-determine eligibility in accordance with this decision.

Notification of Your Right to Appeal to Court

If you disagree with this decision, you have the right to appeal to Court in accordance with Chapter 30A of the Massachusetts General Laws. To appeal, you must file a complaint with the Superior Court for the county where you reside, or Suffolk County Superior Court, within 30 days of your receipt of this decision.

Radha Tilva
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Sylvia Tiar, Tewksbury MassHealth Enrollment Center,
367 East Street, Tewksbury, MA 01876-1957