

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2179716
Decision Date:	3/11/2022	Hearing Date:	01/24/2022
Hearing Officer:	Casey Groff		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Sara Mondello, Tewksbury MassHealth
Enrollment Center



*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; Coverage Start Date
Decision Date:	3/11/2022	Hearing Date:	01/24/2022
MassHealth's Rep.:	Sara Mondello	Appellant's Rep.:	<i>Pro se</i>
Hearing Location:	Remote (Board of Hearings)	Aid Pending:	No

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 December 8, 2021, MassHealth notified Appellant that she was approved for MassHealth Standard with a coverage start date of November 28, 2021. See Exhibit 1. Appellant filed a timely appeal on December 24, 2021. See Exhibit 2; 130 CMR 610.015(B)(1). Challenging the scope of benefits is valid grounds for appeal. See 130 CMR 610.032.

Action Taken by MassHealth

MassHealth approved Appellant for MassHealth Standard with a benefit start date November 28, 2021.

Issue

The appeal issue is whether MassHealth was correct in approving Appellant for MassHealth Standard with a coverage start date of November 28, 2021.

Summary of Evidence

A MassHealth representative appeared at the hearing by telephone and testified as follows: On December 8, 2021, Appellant submitted an online application seeking MassHealth benefits. Appellant is under the age of 65 and had never received, or been enrolled in, MassHealth. In the application, Appellant certified that she lives in a household size of one (1), is a U.S. citizen, and has total gross income of \$8,220 per year. Appellant also checked positive for breast/cervical cancer and a disability. MassHealth verified that she indeed had been deemed disabled through social security. Based on the application, MassHealth notified Appellant, via a December 8, 2021 letter, that she was approved for MassHealth Standard with Medicare buy-in starting November 28, 2021. See Exh. 1.

The MassHealth representative explained that per regulations, MassHealth benefits are generally made effective as far back as 10-days from the date MassHealth receives the application. Therefore, the 10-day retroactive start date from a December 8th application was November 28th. On December 22, 2021, MassHealth system notes show that the Appellant called MassHealth and requested her benefits be retroactively extended back to May of 2021. The MassHealth representative testified that due to a federal Covid-19 protection, MassHealth can extend the regulatory 10-day retroactivity limit to three months prior to the application date. Therefore, prior to this hearing, MassHealth adjusted the Appellant's start date as far back as it could, in accordance with the Covid-19 protection. Appellant currently has an effective benefit start date of September 1, 2021. There are no program rules or protections that allow MassHealth to extend as far back as May 2021, as Appellant had requested.

Appellant appeared at the hearing by telephone and testified that in May of 2021 she was diagnosed with breast cancer. Around that time, the hospital (Dana Farber) explained that she would likely qualify for MassHealth if she applied for benefits. Shortly after her diagnosis she became very ill and underwent surgery. She was too sick to complete and submit her MassHealth application during this time. After she finally caught her breath, she submitted the MassHealth application in December of 2021. Most of the medical bills she incurred – which are in the thousands - are from before the September 1st start date. She explained that she was deemed disabled by social security in 2003 or 2004 from a spinal injury. The income she receives is from her social security disability. The Department of Labor pays for medical expenses related to her spinal injury, but that does not apply to the recent expenses she incurred from the breast cancer treatment.

Findings of Fact

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

1. On December 8, 2021, Appellant submitted an online application seeking MassHealth benefits.
2. Appellant is under the age of 65 and, prior to this application, had never received, or been enrolled in, MassHealth.
3. Appellant lives in a household size of one (1), is a U.S. citizen, and has total gross income of \$8,220 per year.
4. Appellant has a social security disability determination and in May of 2021 was diagnosed with breast cancer.
5. On December 8, 2021, MassHealth notified Appellant that she was approved for MassHealth Standard with Medicare buy-in starting November 28, 2021.
6. On December 22, 2021, Appellant called MassHealth and requested her benefits be retroactively extended back to May of 2021.
7. Based on the request, MassHealth, prior to hearing, adjusted Appellant's start date to a maximum of three months prior to the application date, as permitted by the federal Covid-19 protection.
8. Appellant's current benefit start date is September 1, 2021.
9. Appellant did not apply for MassHealth benefits prior to December 8, 2021 because she was sick and undergoing surgery and cancer treatment.
10. Appellant has incurred medical expenses in the thousands because of her cancer treatment, and which were incurred prior to September 1, 2021.

Analysis and Conclusions of Law

It is undisputed that the Appellant meets all the eligibility requirements for MassHealth coverage. The issue on appeal concerns whether MassHealth correctly determined when her benefits could be made effective. See 130 CMR 505.008. The Appellant seeks a benefit start date of May 2021, which would cover medical expenses she incurred after a breast cancer diagnosis. Through the December 8, 2021 notice, MassHealth determined that Appellant's coverage should start on November 28, 2021, ten days prior to the date Appellant submitted a completed MassHealth application.

MassHealth regulation 130 CMR 502.006 describes the start date of coverage for applicants, and provide that the following:

[I]ndividuals who submit all required verifications within 90 days of a request for information, the start date of coverage is determined upon receipt of the requested verifications *and coverage begins ten days prior to the date of application.*

See 130 CMR 502.006(A)(2) (emphasis added).

The parties do not dispute that Appellant applied for MassHealth benefits on December 8, 2021. Thus, based on the aforementioned regulations, MassHealth correctly calculated a start date of November 28, 2021 - ten days prior to the date of application. See id.

In June of 2020, MassHealth published guidelines pertaining to eligibility for the duration of the COVID-19 pandemic, which provides, in pertinent part, the following exception to the 10-day retroactivity rule:

90-day Retroactive Eligibility for Individuals Under the Age of 65: Individuals under the age of 65 who applied on or after March 1, 2020 can request that their coverage be *retroactive up to 90-days*. Individuals may request that their eligibility start date begin as early as the first date of the third calendar month before the month of application, but no earlier than March 1, 2020.

See "MassHealth Eligibility Flexibilities for COVID-19" <https://www.mass.gov/doc/masshealth-eligibility-flexibilities-for-covid-19-0/download> (June 2020) (emphasis added).

Based on the above guideline, MassHealth correctly testified that the earliest date MassHealth could approve coverage is September 1, 2021. This adjustment was made prior to hearing when Appellant sought an earlier start date. Appellant's interest in obtaining a May 2021 start date is certainly understandable; however, there is no evidence or regulatory authority to allow MassHealth to implement coverage prior to September 1, 2020.

The appeal is DENIED.

Order for MassHealth

None.

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.

Casey Groff
Hearing Officer
Board of Hearings

cc:

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