

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2201054
Decision Date:	3/22/2022	Hearing Date:	03/09/2022
Hearing Officer:	Thomas J. Goode		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Kim McFarland, Springfield MEC



*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:	3/22/2022	Hearing Date:	03/09/2022
MassHealth's Rep.:	Kim McFarland	Appellant's Rep.:	Pro se
Hearing Location:	(Remote)	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 January 11, 2022, MassHealth notified Appellant that he is not MassHealth eligible because his income exceeds program guidelines (130 CMR 505.000 *et seq.*, 506.007 and Exhibit 1). Appellant filed this appeal in a timely manner on February 11, 2022 (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 notified Appellant that he is not income eligible because his income exceeds program guidelines.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 505.000 *et seq.*, 506.007, in determining that Appellant is not MassHealth eligible.

Summary of Evidence

The MassHealth representative testified that Appellant had been receiving MassHealth CarePlus from May 5, 2018 through December 6, 2021. On October 19, 2021, MassHealth issued a system-generated notice to Appellant's address on-file informing him that his MassHealth coverage was being continued due to Covid-19 protections. On November 22, 2021, the October 19, 2021 notice was returned to MassHealth identifying a Vermont forwarding address. On November 22, 2021 Appellant's address was updated and MassHealth coverage terminated on December 6, 2021 as MassHealth determined that Appellant resided out of state. In December 2021, Appellant reported that he was residing at a new address in Massachusetts and verified his income for a family group of 1 as \$2,057 bi-weekly, projected annually to \$53,490. The MassHealth representative testified that Appellant did not report a disability, and because his income amounts to 410% of the federal poverty level, he is not MassHealth eligible and was referred to the Health Connector.

Appellant testified that he was living with his parents at their address until they moved to Vermont and had mail forwarded to their new address. Appellant established a new address on November 1, 2021 (Exhibit 4). Appellant did not report the change in address to MassHealth until December 2021. Appellant testified that he was unaware that his MassHealth had been terminated until he attempted to make a medical appointment in late December 2021 and was told by the provider that he no longer had MassHealth coverage. Appellant stated that when his mail was returned with a Vermont address, MassHealth should have called him to verify his residency status, and that he now faces tax consequences due to the termination of MassHealth coverage.

Findings of Fact

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

1. Appellant had been receiving MassHealth CarePlus from May 5, 2018 through December 6, 2021.
2. On October 19, 2021, MassHealth issued a notice to Appellant's address on-file informing him that his MassHealth coverage was being continued due to Covid-19 protections.
3. On November 22, 2021, the October 19, 2021 notice was returned to MassHealth identifying a Vermont forwarding address.
4. On November 22, 2021 Appellant's address was updated and MassHealth coverage terminated on December 6, 2021 as MassHealth determined that Appellant resided out of state.
5. Appellant established a new Massachusetts address on November 1, 2021.
6. In December 2021, Appellant reported that he was residing at a new address in

Massachusetts and verified his income for a family group of 1 as \$2,057 bi-weekly, projected annually to \$53,490.

7. 133% of the federal poverty level for a household of 1 is \$1,428.
8. Appellant did not report a disability, and his income amounts to 410% of the federal poverty level.
9. Appellant's earnings in 2021 totaled \$18,977.30 (Exhibit 5).

Analysis and Conclusions of Law

Appellant's verified earned income equates to 410% of the federal poverty level for a non-disabled household of one, and he is therefore ineligible for MassHealth at this time (130 CMR 505.008, 505.000 *et seq.*). Regulation 130 CMR 501.010(B) outlines a MassHealth member's responsibility to report within ten days or as soon as possible, changes that may affect eligibility. Such changes include, but are not limited to, income, the availability of health insurance, and third-party liability. Although the list is not exclusive, a MassHealth member is required to report a change in address or residency within 10 days as a change in address or residency inherently affects eligibility. While Appellant argues that he did not change residency to Vermont, the notice dated October 19, 2021 returned to MassHealth on November 22, 2021 informed MassHealth of a change in address and residency, and as a result MassHealth terminated Appellant's coverage on December 6, 2021. Appellant testified that he did not report his new Massachusetts address which was effective November 1, 2021 as stated on his lease agreement until late December when he attempted to make a medical appointment and learned that his MassHealth coverage had terminated (Exhibit 4). Nothing in Appellant's testimony suggests that it was not possible to timely report the change in address within 10 days. Further, had Appellant reported the change in address within 10 days, the termination of coverage on December 6, 2021 based on a change in residency could possibly have been averted.¹ However, the responsibility to report changes in circumstances to MassHealth lies with the MassHealth member; there is no provision in the MassHealth regulations that shifts the responsibility to MassHealth to disaffirm a change of residency implicit in returned mail identifying a change in residency to an address outside of the Commonwealth.

The appeal is denied.

Order for MassHealth

¹ The termination of coverage due to a change in residency notwithstanding, Appellant was ineligible for CarePlus on December 6, 2021 and presumably prior to that date as he began employment as a teacher with income in excess of 133% of the federal poverty level, and 2021 earned income totaling \$18,977.30 (130 CMR 505.008(A)(2)(c), Exhibit 5 and testimony). Changes in employment and income also fall within the 10-day reporting requirement at 130 CMR 501.010(B).

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.

Thomas J. Goode
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Dori Mathieu, Springfield MassHealth Enrollment Center, 88 Industry Avenue, Springfield, MA 01104