

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Approved	<b>Appeal Number:</b>	2204730
<b>Decision Date:</b>	8/18/2022	<b>Hearing Date:</b>	07/29/2022
<b>Hearing Officer:</b>	Alexis Demirjian		

**Appearance for Appellant:**

, Father

**Appearance for MassHealth:**

Amanda Hyman



*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

<b>Appeal Decision:</b>	Approved	<b>Issue:</b>	Termination of Coverage
<b>Decision Date:</b>	8/18/2022	<b>Hearing Date:</b>	07/29/2022
<b>MassHealth's Rep.:</b>	Amanda Hyman	<b>Appellant's Rep.:</b>	
<b>Hearing Location:</b>	Tewksbury MassHealth Remote	<b>Aid Pending:</b>	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 June 13, 2022, MassHealth denied the Appellant's application for MassHealth benefits because MassHealth determined that the Appellant had voluntarily withdrawn from the process. (see 130 CMR 502.009 and Exhibit 2). The Appellant filed this appeal in a timely manner on June 20, 2022. (see 130 CMR 610.015(B) and Exhibit 3). Denial of assistance is valid grounds for appeal (see 130 CMR 610.032).

## Action Taken by MassHealth

MassHealth terminated the Appellant's coverage effective June 27, 2022 citing the Appellant's voluntary withdrawal of application.

## Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 502.009, in terminating the Appellant's coverage based on the June 13, 2022 withdrawal.

## Summary of Evidence

MassHealth testified that Appellant had been receiving MassHealthCarePlus services. On June 12, 2022, the Appellant submitted new documentation that showed that the Appellant's income level had risen to 163% of the Federal Poverty Line.

The following day, on June 13, 2022, the Appellant called MassHealth and notified MassHealth that she wished to end her coverage and withdraw any pending application. MassHealth testified that they do not question members when a member voluntarily withdraws an application or requests termination of coverage, MassHealth simply processes the request. Accordingly, MassHealth issued a notice of Termination on the same day that the Appellant made the request. The notice dated June 13, 2022, stated that Appellant's coverage would end 14 days later, on June 27, 2022. The notice also provided appeal rights and information on how to request a Fair Hearing.

On June 20, 2022, prior to the termination of the Appellant's benefits, the Appellant filed a Request for Fair Hearing, in which the Appellant reported that she called MassHealth and asked that her membership be terminated while in the middle of "panic and emotional distress" and she no longer wished to terminate her coverage. The Appellant went on to state that following the call to MassHealth she called the police to bring her to the hospital for a psychiatric evaluation. The Appellant was admitted overnight to a hospital and then transferred to a secure psychiatric hospital for approximately two weeks of inpatient services. Following her discharge, the Appellant was admitted to Partial Hospitalization Program (PHP) for an additional month.

The Appellant and her father also testified that the Appellant had been experiencing disorganized and erratic thinking prior to the Appellant's actions on June 12<sup>th</sup> and June 13<sup>th</sup> which culminated in the Appellant's hospitalization and treatment.

## Findings of Fact

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

1. On June 13, 2022, the Appellant called MassHealth and asked them to terminate her coverage and withdraw any pending applications.
2. On June 13, 2022, the Appellant was taken by police to a local hospital for acute mental distress.
3. The Appellant was admitted to a secure psychiatric facility for a period of approximately two weeks.

4. Following discharge from the facility, the Appellant was admitted to a Partial Hospitalization Program for an additional month of treatment.
5. The Appellant was not capable of making a rational, informed decision regarding her MassHealth coverage on June 13, 2022, due to acute mental distress that resulted in a psychiatric hospitalization.
6. On June 20, 2022, after receiving emergency psychiatric intervention and treatment, the Appellant expressed in her Board of Hearing Fair Hearing Request that she no longer wished to cancel her coverage.
7. Prior to the Appellant's termination of coverage, the Appellant expressed a desire to rescind her withdrawal.

## **Analysis and Conclusions of Law**

Here, the sole issue in dispute is whether the Appellant's voluntary withdrawal is valid. MassHealth affirms its termination of the Appellant's coverage because MassHealth does not question when a member expresses a desire to withdraw from the process or coverage and simply acts on the member's directive to withdraw.

The Appellant testified credibly that her mental condition had deteriorated rapidly over the course of several days, culminating in an emergency admission to a psychiatric hospital. The Appellant and her representative credibly testified on the day that the Appellant called MassHealth the Appellant could not make rational and informed decisions. The Appellant testified that within a week of the phone call she sought to have the coverage reinstated and did not wish to withdraw from the application process.

The appellant has the burden of proof "to demonstrate the invalidity of the administrative determination." *See, Andrews v. Division of Medical Assistance*, 68 Mass. App. Ct. 228, 231 (2007). Moreover, "[p]roof by a preponderance of the evidence is the standard generally applicable to administrative proceedings." *See, Craven v. State Ethics Comm'n*, 390 Mass. 191, 200 (1983).

The appellant has met her burden of showing that the voluntary withdrawal cannot credibly be relied upon because the appellant was experiencing a medical emergency and could not make informed decisions at that time. Further, prior to the termination of the coverage the Appellant expressed a desire to restore her coverage and application.

For these reasons, the appeal is APPROVED.

## **Order for MassHealth**

The Appellant's coverage shall be restored retroactive to June 27, 2022, and the application should be reactivated.

## **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.

## **Implementation of this Decision**

If this decision is not implemented within 30 days after the date of this decision, you should contact your MassHealth Enrollment Center. If you experience problems with the implementation of this decision, you should report this in writing to the Director of the Board of Hearings, at the address on the first page of this decision.

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Alexis Demirjian  
Hearing Officer  
Board of Hearings

cc:

MassHealth Representative: Sylvia Tiar, Tewksbury MassHealth Enrollment Center, 367 East Street, Tewksbury, MA 01876-1957, 978-863-9290

Appellant Representative: [REDACTED]