

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Dismissed	<b>Appeal Number:</b>	2206244
<b>Decision Date:</b>	11/14/2022	<b>Hearing Date:</b>	09/22/22
<b>Hearing Officer:</b>	Stanley Kallianidis		

**Appellant Representative:**

Pro Se

**MCO Representative:**

Christina Foulkes, Fallon Health



*Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Office of Medicaid  
Board of Hearings  
100 Hancock Street, 6<sup>th</sup> Floor  
Quincy, MA 02171*

## APPEAL DECISION

<b>Appeal Decision:</b>	Dismissed	<b>Issue:</b>	Denial of Medicare Prescription Drug
<b>Decision Date:</b>	11/14/2022	<b>Hearing Date:</b>	09/22/22
<b>MCO Rep.:</b>	Christina Foulkes, Fallon Health		

### Authority

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

### Jurisdiction

The appellant received a redetermination notice dated July 25, 2022 stating that Fallon Health had denied his request for Olumiant under his Medicare prescription drug coverage (Exhibit 1). An appeal was filed with the Board of Hearings on August 22, 2022 (Exhibit 2).

At the hearing, a representative from Fallon Health indicated that the appellant was initially sent a Board of Hearings appeal form incorrectly. After Fallon called the appellant and explained the error that was made, he was subsequently sent the correct Request for Reconsideration of Medicare Prescription Drug Denial form that needed to be filed with C2C Innovative Solutions, Inc. in order for an appeal to be properly filed (Exhibit 3). The appellant indicated that he has not filed an appeal to date with C2C Innovative Solutions and instead wanted the Board of Hearings to conduct a hearing on the merits.

Unfortunately, the Board of Hearings has no jurisdiction to conduct a hearing under a Medicare prescription denial. Accordingly, the appeal is dismissed (see 130 CMR 610.032 and 130 CMR 610.035).

## **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.

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Stanley Kallianidis  
Hearing Officer  
Board of Hearings

cc:

Fallon Health  
Member Appeals and Grievances  
10 Chestnut Street  
Worcester, MA 01608