

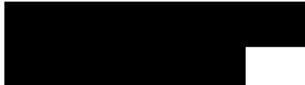
# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Dismissed	<b>Appeal Number:</b>	2208267
<b>Decision Date:</b>	6/28/2023	<b>Hearing Date:</b>	2/10/2023
<b>Hearing Officer:</b>	Patrick Grogan	<b>Record Open to:</b>	6/23/23

**Appearance for Appellant:**



**Appearance for MassHealth:**

Elizabeth Nickoson

**Interpreter:**

N/A



*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>	Dismissed	<b>Issue:</b>	Eligibility
<b>Decision Date:</b>	6/28/2023	<b>Hearing Date:</b>	2/10/2023
<b>MassHealth's Rep.:</b>	Elizabeth Nickson	<b>Appellant's Rep.:</b>	[REDACTED]
<b>Hearing Location:</b>	Remote (Tel)	<b>Aid Pending:</b>	No

### Procedural Background

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder. The issue on appeal was MassHealth's October 6, 2022, denial of the Appellant's application for MassHealth because MassHealth determined that the person has other health insurance (see 130 CMR 505.002 (M)(N), 130 CMR 505.005(D), 130 CMR 522.004(C) and Exhibit 1). The Appellant timely appealed on November 4, 2022. (Exhibit 2; 130 CMR 610.015(B).)

At the February 10, 2023 hearing, MassHealth stated that the denial notice was based, in part, on the excess income attributable to the Appellant's parents beyond that allowable pursuant to the percentage of income exceeding 300% of the Federal Poverty Level (FPL). (Testimony) The Appellant's mother stated that the Appellant was applying for secondary health insurance because the Appellant required in-home therapy, which the Appellant's current health insurance would not cover. (Testimony) MassHealth noted that information relating to a disability determination for the Appellant had been sent to the Appellant. (Testimony)

The record was left open for the Appellant until March 31, 2023 to follow up with DES and until April 14, 2023 for MassHealth to review. (Exhibit 10). In response to a status inquiry, MassHealth indicated no DES determination had been received. (Exhibit 11, pg. 1). In response to said inquiry, the Appellant's mother wrote that she had sent in a new application to DES on March 3, 2023 and she had spoken, shortly thereafter, with an individual from DES who indicated that the process may take up to 90 days. (Exhibit 11, pg. 2-3) Based upon the information provided, the Record Open was extended until June 16, 2023 for the Appellant and until June 23, 2023 for MassHealth to review proffered information. (Exhibit 11, pg. 3)

On June 21, 2023, a subsequent status inquiry was sent, in response to which MassHealth

explained that no DES determination had been received. (Exhibit 11, pg. 5) No response to the June 21, 2023 status inquiry from the Appellant's parents had been received prior to the expiration of the Record Open period for the Appellant until June 16, 2023. The record closed for all parties on June 23, 2023. (Exhibit 11, pg. 4-5).

On June 27, 2023, the Appellant's mother wrote that the Appellant had been approved for the FLEX program (Exhibit 12). The Appellant's mother indicated they anticipated having a team member assigned within the next 2 weeks that will aide in the Appellant's care.

Regarding the appeal of the October 6, 2022 denial of the Appellant's application for MassHealth because MassHealth determined that the person has other health insurance (see 130 CMR 505.002 (M) (N), 130 CMR 505.005 (D), 130 CMR 522004 (C ) and Exhibit 1), since no issue remains in dispute this matter is DISMISSED pursuant to 130 CMR 610.051 9B)."

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Patrick Grogan  
Hearing Officer  
Board of Hearings

cc:

MassHealth Representative: Justine Ferreira, Taunton MassHealth Enrollment Center, 21 Spring St., Ste. 4, Taunton, MA 02780, 508-828-4616