

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Approved	<b>Appeal Number:</b>	2208540
<b>Decision Date:</b>	12/29/2022	<b>Hearing Date:</b>	12/16/2022
<b>Hearing Officer:</b>	Alexandra Shube		

**Appearance for Appellant:**

*Via telephone:*

Pro se

**Appearance for MassHealth:**

*Via telephone:*

Omira Canelo – Tewksbury 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

<b>Appeal Decision:</b>	Approved	<b>Issue:</b>	Start Date
<b>Decision Date:</b>	12/29/2022	<b>Hearing Date:</b>	12/16/2022
<b>MassHealth's Rep.:</b>	Omira Canelo	<b>Appellant's Rep.:</b>	Pro se
<b>Hearing Location:</b>	Tewksbury MassHealth Enrollment Center Remote	<b>Aid Pending:</b>	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 September 19, 2022, MassHealth approved the appellant for MassHealth benefits with a start date of September 5, 2022 (Exhibit 1). The appellant filed this appeal in a timely manner on November 16, 2022 (see 130 CMR 610.015(B) and Exhibit 2). Determinations regarding scope and amount of assistance are valid grounds for appeal (see 130 CMR 610.032).

## Action Taken by MassHealth

MassHealth approved the appellant for MassHealth Standard benefits with a start date of September 5, 2022.

## Issue

The appeal issue is whether MassHealth was correct in determining that the appellant is eligible for MassHealth Standard benefits beginning on September 5, 2022.

## Summary of Evidence

The MassHealth representative appeared at hearing via telephone and testified as follows: on August 10, 2022, the appellant completed a renewal over the telephone. The MassHealth decision was pending until proof of income was received on August 30, 2022. The appellant was approved for MassHealth Standard with a start date of July 31, 2022, not September 5, 2022 as the notice states. The appellant was enrolled in a Health Connector plan until June 30, 2022. MassHealth cannot backdate any further to cover the gap in coverage because the appellant was not a new applicant and she was not left without coverage for more than 90 days.

The appellant testified that she is seeking coverage retroactive to July 1, 2022. She explained that she was in an accident in April and was in and out of work due to injuries. When she was no longer able to work, she had no income and could not afford her Health Connector premium for three months. She reached out to the Health Connector and was advised to fill out an affidavit of zero income and a hardship waiver form. She spoke to numerous representatives at the Health Connector and MassHealth between August 10, 2022 and November 2022, who stated there would be no gap in coverage when she qualified for MassHealth. She was confused as to why she was put on MassHealth Standard when she was only looking for assistance with covering her premium for the three months she was out of work; however, she was assured there would be no gap in her coverage when she enrolled with MassHealth. She only learned of the gap in coverage when she began receiving bills for services from the month of July. She has never been on MassHealth before, so does not understand how her application is not considered a new application. She received a notice on September 1, 2022 that she was approved for the waiver, which would cover her Health Connector premiums through August 31, 2022.

The MassHealth representative stated that MassHealth and the Health Connector share the same system and renewing an application is not the same as a new application. She also stated that it was not clear why the premium waiver notice was sent when the appellant's Health Connector coverage had already been terminated.

## Findings of Fact

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

1. On September 19, 2022, MassHealth issued an approval notice informing the appellant that her MassHealth Standard coverage would begin on September 5, 2022 (Exhibit 1).
2. The appellant timely appealed the notice on November 16, 2022 (Exhibit 2).
3. The appellant completed an application over the phone on August 10, 2022, but the MassHealth decision was pending until it received proof of income on August 30, 2022 (Testimony).

4. Due to the application date of August 10, 2022, the appellant's MassHealth Standard coverage actually began on July 31, 2022 (Testimony).
5. The appellant had been on a Health Connector plan, which terminated on June 30, 2022, and had never been on MassHealth before (Testimony).

## Analysis and Conclusions of Law

Ordinarily, pursuant to 130 CMR 502.006(2)(a), MassHealth Standard coverage begins ten days prior to the date of application; however, MassHealth has issued COVID-19 relief rules for the duration of the Federal Public Health Emergency (FPHE) and through the month in which it ends. The MassHealth Response to Coronavirus Disease (COVID-19), Eligibility Operations Memo (EOM) 22-10, updated in August 2022<sup>1</sup>, states the following:

***Retroactive Eligibility for Individuals Younger Than Age 65:*** Upon request, any individuals younger than age 65 who applied for MassHealth on or after March 1, 2020, will receive retroactive coverage if they would have been eligible. Coverage will begin as early as the first day of the third calendar month before the month of application, but no earlier than March 1, 2020.

The appellant had never been on MassHealth when she applied on August 10, 2022 due to a change in income. The fact that MassHealth has a truncated application process for someone who has been on a Health Connector plan, calling it a renewal, does not remove the fact that this is an application for MassHealth on or after March 1, 2020, requiring a new eligibility determination. For these reasons, the appellant should be approved retroactive to July 1, 2022 pursuant to the MassHealth Response to Coronavirus, EOM 22-10.

## Order for MassHealth

Approve the appellant for MassHealth benefits retroactive to July 1, 2022.

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<sup>1</sup> <https://www.mass.gov/doc/eom-22-10-updated-masshealth-response-to-coronavirus-disease-covid-19-0/download> (last viewed December 28, 2022).

## **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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Alexandra Shube  
Hearing Officer  
Board of Hearings

cc:

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