

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2209534
Decision Date:	4/4/2023	Hearing Date:	1/25/2023
Hearing Officer:	Patrick Grogan	Record Open to:	3/3/23

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Kristine Angelari

Interpreter:
Lenore (Portuguese)



*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:	Application – Missing Critical Data
Decision Date:	4/4/2023	Hearing Date:	1/25/2023
MassHealth's Rep.:	Kristine Angelari	Appellant's Rep.:	Pro se
Hearing Location:	Remote (Tel)	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 December 5, 2022, MassHealth denied the Appellant's renewal application for MassHealth benefits because MassHealth determined that the Appellant did not return the completed renewal application and despite multiple requests, MassHealth did not receive the completed application and was unable to process the application. (see 130 CMR 502.001) and Exhibit 1). The Appellant filed this appeal in a timely manner on December 22, 2022 (see 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 denied the Appellant's renewal application for MassHealth benefits because the Appellant did not submit the completed application and MassHealth was unable to process the application.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 502.001, in determining that Appellant did not return the completed application in order to determine whether the Appellant is eligible for MassHealth benefits.

Summary of Evidence

The Appellant is a MassHealth member who is over 21 years of age. (Testimony, Exhibit 2). On September 24, 2022, MassHealth sent a renewal application to the Appellant. (Testimony). On November 3, 2022, MassHealth received a portion of the renewal application back. (Testimony). On November 14, 2022, MassHealth attempted to process the renewal application, however, the Appellant had returned the “Additional Person Insert” and not the completed renewal application. (Testimony). On November 14, 2022, MassHealth sent out an MCD (Missing Critical Data) notice to the Appellant informing her that the renewal application was incomplete, and requesting the Appellant return the completed renewal application. (Testimony, Exhibit 1, pg. 2). No response was received. (Testimony) MassHealth sent an additional MCD notice dated December 5, 2022, indicating that MassHealth had notified that Appellant that the renewal application was incomplete and that the Appellant had not provided MassHealth with the information needed to decide her eligibility. (Testimony, Exhibit 1). The Appellant filed a request for a Fair Hearing. (Exhibit 2)

At Hearing, the Appellant testified that she had returned the completed application. (Testimony). The MassHealth representative explained that the Appellant had returned the “Additional Person Insert” and not the completed renewal application. (Testimony). MassHealth agreed to send another renewal application to the Appellant and explained that the Appellant could also complete the application via telephone. (Testimony) The Appellant indicated that she was not able to write down the telephone number at the time of the hearing, however, the information would be provided in the renewal application MassHealth would resend to the Appellant. (Testimony). The Record was left open until February 24, 2023, to provide the Appellant the opportunity to return the completed renewal application or to complete the reapplication process via telephone. (Exhibit 5) The Record remained open until March 3, 2023 for MassHealth to review the Appellant’s renewal application status. (Exhibit 5).

On March 21, 2023, MassHealth reported that the Appellant had not sent in any further documentation. (Exhibit 6, p. 2). On March 24, 2023, MassHealth reported that the Appellant’s renewal application had expired. (Exhibit 6, p.1). MassHealth further reported that the Appellant had not sent in any additional documents nor submitted an application via telephone. (Exhibit 6, p.1) MassHealth confirmed that the Appellant was active due to the Public Health Emergency protection, but once that protection is lifted, the Appellant’s benefit will close. (Exhibit 6, p.1)

Findings of Fact

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

1. The Appellant is a MassHealth member who is over 21 years of age. (Testimony, Exhibit 2).
2. On November 14, 2022, MassHealth attempted to process the renewal application, however, the Appellant had returned the “Additional Person Insert” and not the completed renewal application. (Testimony).

3. On November 14, 2022, MassHealth sent out an MCD (Missing Critical Data) notice to the Appellant informing her that the renewal application was incomplete, and requesting the Appellant return the completed renewal application. (Testimony, Exhibit 1, pg. 2).
4. On December 5, 2022, MassHealth sent an additional MCD notice indicating that MassHealth had notified that Appellant that the renewal application was incomplete and that the Appellant had not provided MassHealth with the information needed to decide her eligibility. (Testimony, Exhibit 1).
5. The Appellant filed a request for Fair Hearing and a Hearing was held on January 25, 2023. (Exhibit 2). MassHealth, the Appellant, and a Portuguese interpreter all appeared at Hearing. (Testimony)
6. MassHealth agreed to send another renewal application to the Appellant and explained that the Appellant could also complete the application via telephone. (Testimony)
7. The Record was left open until February 24, 2023, to provide the Appellant the opportunity to return the completed renewal application or to complete the reapplication process via telephone. (Exhibit 5)
8. The Record remained open until March 3, 2023 for MassHealth to review the Appellant's renewal application status. (Exhibit 5).
9. On March 21, 2023, MassHealth reported that the Appellant had not sent in any further documentation. (Exhibit 6, p. 2).
10. On March 24, 2023, MassHealth reported that the Appellant's renewal application had expired. (Exhibit 6, p.1). MassHealth further reported that the Appellant had not sent in any additional documents nor submitted an application via telephone. (Exhibit 6, p.1)

Analysis and Conclusions of Law

Despite multiple opportunities provided to the Appellant, the Appellant has not provided the necessary information to MassHealth to make a determination regarding her eligibility. The eligibility determination Regulation governing the Appellant's case was cited in the MCD notice sent to the Appellant. Specifically, 130 CMR 502.001 states:

502.001: Application for Benefits (A) Filing an Application. To apply for MassHealth, an individual or his or her authorized representative must file an application online at www.MAHealthConnector.org, complete a paper application, complete a telephone application, or apply in person at a MassHealth Enrollment Center (MEC).

Here the Appellant submitted a portion of the application, and despite multiple attempts by

MassHealth to obtain a completed application, none had been received. 130 CMR 502.001(4) explains the next steps, where the application is missing information:

(4) Paper Applications or In-person Applications at the MEC Containing Missing or Inconsistent Information.

(a) If a paper application is received at a MassHealth Enrollment Center or a MassHealth outreach site and the applicant did not answer all required questions on the application or if the application is unsigned, the MassHealth agency is unable to determine the applicant's eligibility for MassHealth.

(b) The MassHealth agency requests responses to all of the unanswered questions necessary to determine eligibility. The MassHealth agency must receive such information within 15 days of the date of the request for the information.

(c) If responses to all unanswered questions necessary to determine eligibility are received within 15 days of the date of the request referenced in 130 CMR 502.001(A)(4)(b), the eligibility process commences. The MassHealth agency will determine 1. the coverage type providing the most comprehensive medical benefits for which the applicant is eligible, and the application is considered submitted on the date the initial incomplete application was received by the MassHealth agency; or 2. the need to request any corroborative information during the provisional eligibility period necessary to determine eligibility, as provided in 130 CMR 502.001(B) through (D).

(d) If responses to all unanswered questions necessary for determining eligibility are not received within the 15-day period referenced in 130 CMR 502.001(A)(4)(b), the MassHealth agency notifies the applicant that it is unable to determine eligibility for medical benefits. The date that the incomplete application was received will not be used in any subsequent eligibility determinations. If the required response is received after the 15-day period, the eligibility process commences and the application is considered submitted on the date the response is received. Notwithstanding the foregoing, if the required response is submitted more than one year after the initial incomplete application, a new application must be completed.

(e) Inconsistent answers are treated as unanswered.

The Appellant has the burden "to demonstrate the invalidity of the administrative determination." Andrews v. Division of Medical Assistance, 68 Mass. App. Ct. 228. See also Fisch v. Board of Registration in Med., 437 Mass. 128, 131 (2002); Faith Assembly of God of S. Dennis & Hyannis, Inc. v. State Bldg. Code Commn., 11 Mass. App. Ct. 333, 334 (1981); Haverhill Mun. Hosp. v. Commissioner of the Div. of Med. Assistance, 45 Mass. App. Ct. 386, 390 (1998). Here, the only paper application that was received by MassHealth was incomplete. (See 130 CMR 502.001(4)(a)) On November 14, 2022, MassHealth sent out an MCD (Missing Critical Data) notice to the Appellant informing her that the renewal application was incomplete,

and requesting the Appellant return the completed renewal application. (Testimony, Exhibit 1, pg. 2)(See 130 CMR 502.001(4)(b)) On December 5, 2022, MassHealth notified the Appellant that it is unable to determine eligibility for MassHealth benefits. (See 130 CMR 502.001(4)(d)) All of this information was provided, again, to the Appellant at the Hearing held on January 25, 2023. The Record was left open to provide the Appellant another opportunity to provide MassHealth with the information required to determine her eligibility. (Exhibit 5) However, the Appellant still has not provided the information MassHealth requires to determine her eligibility. (Exhibit 6). The Appellant has not provided the necessary information for MassHealth to determine her eligibility despite multiple opportunities. Therefore, the Appellant has not met her burden to show the invalidity of MassHealth's determination, and the appeal is DENIED.

Order for MassHealth

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.

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.

Patrick Grogan
Hearing Officer
Board of Hearings

cc:

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