

# Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



<b>Appeal Decision:</b>	Approved	<b>Appeal Number:</b>	2300501
<b>Decision Date:</b>	4/13/2023	<b>Hearing Date:</b>	02/24/2023
<b>Hearing Officer:</b>	Scott Bernard		

**Appearance for Appellant:**  
*Pro se via telephone*

**Appearance for MassHealth:**  
Jeffrey Pamphile (Charlestown MEC) *via*  
telephone



*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>	Under 65/Withdrawal
<b>Decision Date:</b>	4/13/2023	<b>Hearing Date:</b>	02/24/2023
<b>MassHealth's Rep.:</b>	Jeffrey Pamphile	<b>Appellant's Rep.:</b>	<i>Pro se</i>
<b>Hearing Location:</b>	Charlestown MassHealth Enrollment Center	<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Through a notice dated November 9, 2022, MassHealth notified the appellant that he had withdrawn his application and that his coverage was ending on November 23, 2022. (See 130 CMR 502.009 and Exhibit (Ex.) 1). The appellant filed this appeal in a timely manner on January 19, 2023. (See 130 CMR 610.015(B), Eligibility Operation Memorandum 22-10, and Ex. 2). Denial of assistance is valid grounds for appeal. (See 130 CMR 610.032).

## Action Taken by MassHealth

MassHealth notified the appellant that it was ending his coverage on November 23, 2022 because he had withdrawn his application.

## Issue

The appeal issue is whether the appellant withdrew his application at the time MassHealth determined he did so.

## Summary of Evidence

The MassHealth representative testified that according to case notes, it appeared that this appeal concerned a disagreement as to the date the appellant withdrew from MassHealth after he received a medical bill. Going back to November 7, 2022, a MassHealth case note indicates that the appellant

contacted MassHealth and stated that he would obtain private health insurance on December 1, 2022. According to the note, he was informed at that time that he should contact MassHealth to withdraw after December 1, 2022.

The MassHealth computer system indicates that on November 9, 2022, there was a request submitted for withdrawal and that a cancellation letter would be sent out. The computer documentation indicates that the MassHealth received a document stating that the head of household that his coverage be cancelled. The MassHealth representative stated, however, that although this note exists, there is no documentation with that same date recorded in the system. The MassHealth representative stated that this may have been a misunderstanding or mistake, as no physical copy of a withdrawal exists. Someone may have taken the appellant's telephone contact and reinterpreted it as a withdrawal but the MassHealth representative could not say for certain. There was also another call from the appellant recorded on November 18, 2022, looking to confirm that he had not received the termination letter.

On December 1, 2022, notes indicate that the appellant called to report that he wanted to cancel his coverage. At that time, MassHealth informed the appellant that his coverage was cancelled on November 23, 2022, which corresponds with the 14-day grace period. The appellant had also contacted MassHealth on December 19, 2022 requesting information concerning a bill he received. A recorded "task" recorded in the system appears to be an invoice for services the appellant received on November 29, 2022, which would have been after the November 23 coverage end date.

The appellant testified that he called MassHealth only one time, on November 7, in order to notify it that he would have private party health insurance effective on December 1, 2022. The appellant informed the MassHealth person he spoke to at that time that he would like to maintain his MassHealth coverage until December 1, 2022, since he did not want there to be a lapse of coverage. She let him know at that time that he should call back on December 1 and cancel on that date, which made sense to the appellant. The appellant had an annual physical scheduled for November 29. The appellant did call MassHealth on December 1, and was informed at that time that his coverage ended on November 23.

A few weeks after the physical, the appellant's primary care physician sent the appellant a bill for the entire cost of that physical. The appellant was confused because he thought he had coverage through MassHealth on that date. The appellant called MassHealth customer service and found out that the customer service representative he spoke to on November 7 took it upon themselves to cancel his MassHealth. The appellant stated that he did not request that his coverage be cancelled on November 7. The appellant stated that his only goal for this hearing was to extend his MassHealth coverage until December 1, 2022. The appellant had intended that there be a smooth transition between having MassHealth and being covered by his new insurance. The appellant stated that he mainly wanted MassHealth to pay for the cost of his November 29 physical.

The MassHealth representative stated that he saw a potential solution. The MassHealth representative stated that he would speak to his supervisor concerning reactivating the appellant MassHealth in order to cover the gap in service. The appellant would have to ask his doctor to resubmit the bill to MassHealth to have it covered.

## Findings of Fact

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

1. On November 7, 2022, the appellant contacted MassHealth customer service and stated that he would start receiving private health insurance on December 1, 2022. (Testimony of the MassHealth representative; Testimony of the appellant).
2. MassHealth customer service informed the appellant that he should call back on December 1, 2022 and ask that his MassHealth coverage end as of that date. (Testimony of the MassHealth representative; Testimony of the appellant).
3. On November 9, 2022, MassHealth sent the appellant a notice informing him that his MassHealth coverage would end on November 23, 2022 because he withdrew his application. (Ex. 1).
4. On November 29, 2022, the appellant had his annual physical. (Testimony of the appellant).
5. On November 29, 2022, the appellant's doctor invoiced MassHealth for this appointment. (Testimony of the MassHealth representative).
6. On December 1, 2022, the appellant contacted MassHealth customer service and requested that his coverage end, at which time he was told that his coverage ended on November 23, 2022. (Testimony of the MassHealth representative).
7. On December 19, 2022, the appellant contacted MassHealth because his primary care physician billed him for the entire cost of his annual physical on November 29, 2022. (Testimony of the MassHealth representative; Testimony of the appellant).

## Analysis and Conclusions of Law

MassHealth regulations state that the applicant or authorized representative may voluntarily withdraw his or her application for MassHealth. (130 CMR 502.009). The record shows that the appellant contacted MassHealth on November 7, 2022 and notified it that he had had third party health insurance that would begin on December 1, 2022. The record shows that MassHealth informed the appellant at that time that he should call back on December 1, 2022 to cancel his MassHealth coverage. The appellant did, in fact, contact MassHealth to request that his MassHealth coverage end. The record strongly supports the contention that the appellant did not voluntarily withdraw from MassHealth at any point prior to December 1, 2022. Therefore, MassHealth's issuance of the notice under appeal was in error.

For the above stated reasons, the appeal is APPROVED.

## Order for MassHealth

Rescind the November 9, 2022 notice and issue a new notice without appeal rights informing the

appellant that his MassHealth coverage ended effective December 1, 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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Scott Bernard  
Hearing Officer  
Board of Hearings

cc:

Nga Tran, Charlestown MassHealth Enrollment Center, 529 Main Street, Suite 1M, Charlestown, MA 02129