

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2301794
Decision Date:	4/4/2023	Hearing Date:	03/30/2023
Hearing Officer:	Mariah Burns	Record Open to:	

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Nikita Jones, Taunton 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

Appeal Decision:	Dismissed	Issue:	Over 65 – Deductible Increase
Decision Date:	4/4/2023	Hearing Date:	03/30/2023
MassHealth's Rep.:	Nikita Jones	Appellant's Rep.:	Pro se
Hearing Location:	Remote		

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder. The appellant submitted a timely request for fair hearing issued on January 3, 2023, that informed the appellant that her deductible was going to increase due to an increase in income.

The hearing yielded the following summarized testimony: The appellant was a MassHealth Standard member prior to the COVID-19 pandemic. When she turned 65 during the pandemic, her coverage was protected pursuant to the federal public health emergency (FHPE), MassHealth Eligibility Operations Memo (EOM) 20-09, and all superseding EOMs. As such, she is currently receiving MassHealth Standard benefits and will continue to do so until her eligibility is redetermined by MassHealth some time after the FHPE ends on April 1, 2023.¹ Once her eligibility is redetermined, she will receive a new notice with appeal rights. MassHealth indicated that the appellant will continue to receive her current benefits until she receives her redetermination notice.

Despite MassHealth issuing the January 1, 2023, notice increasing the appellant's deductible to \$6,069.00, it is clear from MassHealth's testimony at the hearing that they are not acting on that notice due to the appellant's protected status unless and until her redetermination is complete. Because of that, and because the appellant will then receive a new notice with separate appeal rights, any decision made by the Board of Hearings because of this appeal will not impact the appellant's MassHealth coverage. The appeal is thereby dismissed.

¹ The MassHealth representative explained that the appellant currently does not meet the income and asset requirements to qualify for MassHealth as an individual over the age of 65, and the only reason she is still receiving MassHealth Standard without a deductible is because of her protected status due to the FPHE. If the appellant's financial status does not change prior to her redetermination, she will not qualify for the benefits she is currently receiving.

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.

Mariah Burns
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