

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	DISMISSED	<b>Appeal Number:</b>	2302127
<b>Decision Date:</b>	6/5/2023	<b>Hearing Date:</b>	04/12/2023
<b>Hearing Officer:</b>	Kenneth Brodzinski		

**Appearance for Appellant:**

Pro se

**Appearance for MassHealth:**

Kelly Worthen – Springfield 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>	DISMISSED	<b>Issue:</b>	Appealable actions
<b>Decision Date:</b>	6/5/2023	<b>Hearing Date:</b>	04/12/2023
<b>MassHealth's Rep.:</b>	Kelly Worthen	<b>Appellant's Rep.:</b>	Pro se
<b>Hearing Location:</b>	Springfield MEC		

### 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 March 4, 2023, MassHealth approved Appellant's application for Senior Buy-In benefits (Exhibit A). Appellant filed this appeal in a timely manner on April 3, 2023 (see 130 CMR 610.015(B) and Exhibit A). Approval of assistance does not constitute valid grounds for appeal (see 130 CMR 610.032).

At hearing, Appellant explained that he recently had two surgeries and received an Explanation of Benefits (EOB) from Medicare informing him that part of the expenses arising from the surgeries would not be covered. Appellant also testified that he has not yet received a bill for any related services. Despite explaining to Appellant that this would be a Medicare issue and not a Medicaid (MassHealth) issue, Appellant persisted with wanting to know who would cover the part that Medicare is not covering. Appellant did not dispute that he only applied for MassHealth Buy-In (which pays for his Medicare Part A and Part B premiums) and did not dispute the MassHealth determination that he appealed.

This Board lacks jurisdiction over the matter described by Appellant because: 1) it does not involve a MassHealth action; 2) pursuant to the appealed notice, MassHealth has approved Appellant's Senior Buy-In application which has nothing to do with the matter described by Appellant and 3) MassHealth has not taken any action that is adverse to Appellant (130 CMR 610.032). For the foregoing reason, the appeal is DISMISSED (1610.035(A)(4)).

Appellant was advised to contact the hospital and Medicare about his EOB and any possible bills and to file an application for broader MassHealth benefits, if he so desires.

## **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.

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Kenneth Brodzinski  
Hearing Officer  
Board of Hearings

cc:

MassHealth Representative: Dori Mathieu, Springfield MassHealth Enrollment Center, 88 Industry Avenue, Springfield, MA 01104, 413-785-4186