

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2304077
<b>Decision Date:</b>	6/29/2023	<b>Hearing Date:</b>	06/15/2023
<b>Hearing Officer:</b>	Sara E. McGrath		

**Appearances for Appellant:**



**Appearances for MassHealth:**

Nga Tran, Charlestown MassHealth



*Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Office of Medicaid  
Board of Hearings  
100 Hancock Street  
Quincy, MA 02171*

## APPEAL DECISION

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	Eligibility
<b>Decision Date:</b>	6/29/2023	<b>Hearing Date:</b>	06/15/2023
<b>MassHealth Rep.:</b>	Nga Tran	<b>Appellant Rep.:</b>	Pro se
<b>Hearing Location:</b>	Board of Hearings		

### 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 May 2, 2023, MassHealth notified the appellant that her child is not eligible for MassHealth benefits (Exhibit 1). The appellant filed a timely appeal on May 15, 2023 (Exhibit 1). The termination of assistance is a valid ground for appeal (130 CMR 610.032(A)).

### Action Taken by MassHealth

MassHealth notified the appellant that her child is no longer eligible for MassHealth benefits.

### Issue

The appeal issue is whether MassHealth was correct in determining that the appellant's child is no longer eligible for MassHealth benefits?

## Summary of Evidence

The MassHealth representative appeared at hearing by telephone and testified in summary as follows: The appellant is part of a family group that includes five people - the appellant, her husband, and three minor children who are tax dependents. In April 2022, the family reported an increase in income, and their MassHealth Standard benefits were extended for 12 months with Transitional Medical Assistance (TMA). In March 2023, the appellant updated MassHealth, verifying the family's income at 466.73% of the federal poverty level, and confirming that the family has other health insurance through her husband's employer. On May 2, 2023, MassHealth notified the appellant that her son Daniel's MassHealth benefits would end on May 16, 2023 (Exhibit 1).<sup>1</sup> The MassHealth representative stated that because the family's income exceeds MassHealth program limits, no one in the family group remains eligible for any MassHealth overage type.

The appellant appeared at hearing by telephone. She stated that she has always updated MassHealth when the family has experienced a change in circumstances. She called on numerous occasions in 2022 and 2023, and was never told that Daniel's benefits would be ending in May 2023. Because this was never made clear to her, she made the decision to start Daniel's orthodontic treatment. In March, Daniel had his braces put on, and she was counting on MassHealth, the family's secondary insurance, to pay for some of the orthodontic services. The appellant submitted a letter from the orthodontist that indicates that she is responsible for payment if payment is not received from the state (Exhibit 1). The appellant feels that this situation is unfair, and requests that MassHealth coverage be extended until Daniel's orthodontic treatment is completed.

## Findings of Fact

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

1. The appellant is part of a family group that includes five people - the appellant, her husband, and three minor children who are tax dependents.
2. In April 2022, the family reported an increase in income, and their MassHealth Standard benefits were extended for 12 months with Transitional Medical Assistance (TMA).
3. In March 2023, the appellant updated MassHealth, verifying the family's income at 466.73% of the federal poverty level, and confirming that the family has other health

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<sup>1</sup> The notice states that coverage is ending because of other health insurance; MassHealth clarified at hearing that the expiration of TMA prompted the notice on appeal. Per 130 CMR 505.002(L)(3), TMA applies to members of a MassHealth MAGI household who receive MassHealth Standard and have increased earnings that raise the MassHealth MAGI household's modified adjusted gross income above 133% of the federal poverty level, and allows the household to continue to receive MassHealth Standard for a full 12-calendar-month period that begins with the date on which the increase occurred.

insurance through her husband's employer.

4. In March 2023, the appellant initiated her son Daniel's orthodontic treatment.
5. On May 2, 2023, MassHealth notified the appellant that her son Daniel's MassHealth benefits would end on May 16, 2023.
6. On May 15, 2023, the appellant timely appealed MassHealth's determination.

## **Analysis and Conclusions of Law**

The MassHealth coverage types are set forth at 130 CMR 505.001(A), as follows:

- (1) Standard for pregnant women, children, parents and caretaker relatives, young adults<sup>2</sup>, disabled individuals, certain persons who are HIV positive, individuals with breast or cervical cancer, independent foster care adolescents, Department of Mental Health members, and medically frail as such term is defined in 130 CMR 505.008(F);
- (2) CommonHealth for disabled adults, disabled young adults, and disabled children who are not eligible for MassHealth Standard;
- (3) CarePlus for adults 21 through 64 years of age who are not eligible for MassHealth Standard;
- (4) Family Assistance for children, young adults, certain noncitizens and persons who are HIV positive who are not eligible for MassHealth Standard, CommonHealth, or CarePlus;
- (5) Small Business Employee Premium Assistance for adults or young adults who
  - (a) work for small employers;
  - (b) are not eligible for MassHealth Standard, CommonHealth, Family Assistance, or CarePlus;
  - (c) do not have anyone in their premium billing family group who is otherwise receiving a premium assistance benefit; and
  - (d) have been determined ineligible for a Qualified Health Plan with a Premium Tax Credit due to access to affordable employer-sponsored insurance coverage;
- (6) Limited for certain lawfully present immigrants as described in 130 CMR 504.003(A), nonqualified PRUCOLs and other noncitizens as described in 130 CMR 504.003: *Immigrants*; and
- (7) Senior Buy-in and Buy-in for certain Medicare beneficiaries.

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<sup>2</sup> "Young adults" are defined at 130 CMR 501.001 as those aged 19 and 20.

Under 130 CMR 505.002(B)(2)(b), the income limit for MassHealth Standard is 150% of the federal poverty level for children aged one through 18. Further, under 130 CMR 505.005, the income limit for MassHealth Family Assistance is 300% of the federal poverty level for children. The appellant's family's income is at 466.73% of the federal poverty level for a household of five. Because the family is over the limit for any MassHealth coverage type, MassHealth's action to terminate coverage was consistent with the applicable regulations. Unfortunately, there is no regulatory authority that would allow an extension of coverage to allow Daniel to complete his orthodontic treatment.<sup>3</sup>

This 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.

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Sara E. McGrath  
Hearing Officer  
Board of Hearings

cc: Charlestown MassHealth Enrollment Center

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<sup>3</sup> The appellant argues that she was never verbally informed that her son's benefits would end. MassHealth did, however, provide written notification of the end date of coverage. On May 10, 2022, MassHealth notified the family that their MassHealth Standard coverage through TMA would end on April 30, 2023 (Exhibit 5).