

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2304523
Decision Date:	8/14/2023	Hearing Date:	07/14/2023
Hearing Officer:	Casey Groff, Esq.		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Michelle Carvalho, 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:	Denied	Issue:	Eligibility; Coverage Start Date
Decision Date:	8/14/2023	Hearing Date:	07/14/2023
MassHealth's Rep.:	Michelle Carvalho	Appellant's Rep.:	Pro se
Hearing Location:	Board of Hearings (Remote)	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 June 1, 2023, MassHealth notified Appellant that she was approved for MassHealth Standard with a coverage start date of March 1, 2023. See Exhibit 1. Appellant filed a timely appeal on June 2, 2023. See Exhibit 2; 130 CMR 610.015(B)(1). Challenging the scope of benefits is valid grounds for appeal. See 130 CMR 610.032.

Action Taken by MassHealth

MassHealth approved Appellant for MassHealth benefits with a start date of March 1, 2023.

Issue

The appeal issue is whether MassHealth was correct in approving Appellant for MassHealth benefits with a coverage start date of March 1, 2023.

Summary of Evidence

A MassHealth eligibility representative appeared at the hearing by telephone and testified as follows: On June 1, 2023, Appellant, who is under the age of 65, applied for MassHealth coverage. In the application, Appellant reported that she lived in a household size of one (1), was not employed, and was receiving no income. Additionally, Appellant reported that she had a positive diagnosis of breast cancer. Based on the application, MassHealth notified Appellant, via a June 1, 2023 letter, that she was approved for MassHealth Standard with a retroactive coverage start date of March 1, 2023. See Exh. 1. The MassHealth representative explained that MassHealth regulations limit retroactive coverage to begin no more than 10-days prior to the date of application. During the federal public health emergency (PHE), MassHealth extended the limitation on retroactive coverage to 90-days under its “covid-19 protection.” Although the covid protections were lifted on April 1, 2023, MassHealth was able to apply the more favorable 90-day retroactive coverage start date to Appellant’s case.

Appellant appeared at hearing via telephone and indicated that she was appealing the notice to seek an earlier coverage start date. Appellant explained that in August of 2022 was diagnosed with stage 3 breast cancer. Due to its progression, the cancer had to be immediately treated with chemotherapy. Prior to the diagnosis, Appellant had been managing a restaurant, which involved waiting tables and being on her feet most of the day. She became sick from the intensive treatment and had to stop working in August of 2022. Appellant was paying for health insurance at the time, which only covered a portion of the health care costs she was incurring, leaving her responsible for the remainder. She has been living off her savings and has accrued substantial medical debt. It was not until this spring that someone mentioned informed her that she was likely eligible for MassHealth - a possibility she had not previously considered due to the busy and difficult period that followed her diagnosis. Accordingly, Appellant requested that MassHealth adjust the coverage start date to August 2022, which is when she was unemployed and not receiving any income, and thus would have been eligible for MassHealth coverage.

Findings of Fact

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

1. On June 1, 2023, Appellant, who is under the age of 65, applied for MassHealth.
2. In her application, Appellant reported that she lived in a household size of one (1), was not employed, received no income, and had a diagnosis of breast cancer.
3. MassHealth notified Appellant, via a June 1, 2023 letter, that she was approved for MassHealth Standard with a retroactive start date of March 1, 2023.

4. In August of 2022, Appellant was diagnosed with breast cancer, which caused her to stop working shortly thereafter.
5. Appellant has had health insurance through the duration of her cancer treatment, but it has been costly and only covers a portion of the medical costs incurred.

Analysis and Conclusions of Law

The issue on appeal concerns whether MassHealth correctly approved Appellant for benefits with an effective retroactive start date of March 1, 2023. See 130 CMR 505.008. The Appellant seeks an earlier benefit start date of August 2022, which would cover medical expenses she incurred after a breast cancer diagnosis. MassHealth regulation 130 CMR 502.006 describes how the appropriate coverage start date is determined for applicants under the age of 65, which states the following:

[I]ndividuals who submit all required verifications within 90 days of a request for information, the start date of coverage is determined upon receipt of the requested verifications *and coverage begins ten days prior to the date of application.*

See 130 CMR 502.006(A)(2)(emphasis added).

In June of 2020, MassHealth published guidelines pertaining to eligibility for the duration of the COVID-19 pandemic, which provides, in pertinent part, the following exception to the 10-day retroactive coverage rule:

90-day Retroactive Eligibility for Individuals Under the Age of 65: Individuals under the age of 65 who applied on or after March 1, 2020 can request that their coverage be *retroactive up to 90-days.* Individuals may request that their eligibility start date begin as early as the first date of the third calendar month before the month of application, but no earlier than March 1, 2020.

See “MassHealth Eligibility Flexibilities for COVID-19” (June 2020) (emphasis added). Although this protection ended on April 1, 2023, MassHealth was able to apply the 90-day retroactive exception to Appellant’s case, resulting in a more favorable coverage start date of March 1, 2023. See MassHealth Eligibility Operations Memo 23-11 (April 2023).

The parties do not dispute that Appellant applied for MassHealth benefits on June 1, 2023. Applying traditional MassHealth regulations, this results in a coverage start date of May 21, 2023 – 10 days prior to the application. MassHealth was able to apply the covid-19 protection afforded through the federal PHE which gave Appellant a more beneficial coverage start date of March 1, 2023. Although Appellant may have indeed met all eligibility criteria prior to this date, the controlling factor is the date MassHealth receives the completed application. Appellant's interest in obtaining an earlier start date is certainly understandable; however, there is no evidence or regulatory authority to allow MassHealth to implement coverage prior to March 1, 2023.

Based on the foregoing, 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.

Casey Groff, Esq.
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Justine Ferreira, Taunton MassHealth Enrollment Center, 21 Spring St., Ste. 4, Taunton, MA 02780