

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2304604
Decision Date:	8/22/2023	Hearing Date:	07/07/2023
Hearing Officer:	Scott Bernard		

Appearance for Appellant:
Pro se via telephone

Appearance for MassHealth:
Yenlinh Vu (Quincy 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

Appeal Decision:	Denied	Issue:	Health Care Reform – Redetermination/ Reapplication at 65
Decision Date:	8/22/2023	Hearing Date:	07/07/2023
MassHealth's Rep.:	Yenlinh Vu	Appellant's Rep.:	<i>Pro se</i>
Hearing Location:	Quincy Harbor South	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 May 12, 2023, MassHealth informed the appellant that, effective May 26, 2023, his MassHealth benefits would end because, as of that date, he was 65 years old or older and must complete a new application for individuals 65 years old or older for the possible continuation of benefits. (See 130 CMR 501.002(B) and Exhibit (Ex.) 1). The appellant filed this appeal in a timely manner on [REDACTED] 2026. (See 130 CMR 610.015(B) and Ex. 2). Denial of assistance is valid grounds for appeal. (See 130 CMR 610.032).

Action Taken by MassHealth

MassHealth determined the appellant's MassHealth would end on May 26 because as of that date he was 65 years old or older and must complete a new application for individuals 65 years old or older for the possible continuation of benefits.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 501.002, in determining that the appellant was 65 years old or older.

Summary of Evidence

Prior to May 26, 2023, the appellant received MassHealth Standard with Medicare Premium payment. (Ex. 3). The appellant turned 65 on [REDACTED] 2022. (Ex. 3). The MassHealth representative stated that, normally, the appellant would have been required to reapply for MassHealth when he turned 65 but because the COVID-19 protections were still in place in 2022, MassHealth did not require the appellant to submit a new application at that time.¹ The MassHealth representative stated that the COVID-19 protections ended on April 1, 2023.² For that reason, MassHealth required the appellant to reapply for MassHealth as a person over the age of 65. On May 12, 2023, MassHealth sent the appellant the notice under appeal, which informed him that his MassHealth would end on May 26, 2023, because he was over the age of 65. (Ex. 1).

As of the date of the hearing, the appellant had not reapplied for MassHealth. The MassHealth representative stated that she tried contacting the appellant prior to the hearing and sent him a new application for persons over-65 on July 3, 2023. The appellant stated that he had not received any application from MassHealth as of yet. The MassHealth representative stated that the appellant could access a copy of the application online, as well as by visiting his nearest MassHealth Enrollment Center. The appellant stated that he did not have access to the internet and was not easily able to travel due to his physical condition. The MassHealth representative stated that she would send him another copy of the application by mail.

Findings of Fact

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

1. Prior to May 26, 2023, the appellant received MassHealth Standard with Medicare Premium payment. (Ex. 3).
2. The appellant turned 65 on [REDACTED] 2022. (Ex. 3).
3. Typically, the appellant would have been required to reapply for MassHealth when he turned 65. (Testimony of the MassHealth representative).

¹ As part of the response to the COVID-19 Federal Public Health Emergency (FPHE), MassHealth, with federal approval, authorized certain flexibilities to expedite access to MassHealth coverage for eligible individuals. (See Eligibility Operations Memo (EOM) 20-09, EOM 21-14, EOM 21-17, and EOM 22-10). Amongst these flexibilities, MassHealth continued to maintain coverage for most individuals who had health coverage as of March 18, 2020 through the end of the month in which the FPHE ended. (*Id.*).

² The MassHealth representative was referring to EOM 23-11, which ended many of the flexibilities instituted in 2020, including maintaining coverage for those who had coverage as of March 8, 2020.

4. Because the COVID-19 protections were still in place in 2022, MassHealth did not require the appellant to submit a new application at that time. (Testimony of the MassHealth representative).
5. The COVID-19 protections ended on April 1, 2023. (Testimony of the MassHealth representative).
6. After April 1, 2023, the appellant was required to reapply for MassHealth as a person over the age of 65. (Testimony of the MassHealth representative).
7. On May 12, 2023, MassHealth sent the appellant the notice under appeal, informing him that his MassHealth would end on May 26, 2023, because he was over the age of 65. (Ex. 1).
8. The MassHealth representative tried contacting the appellant prior to the hearing and sent him a new application for persons over-65 on July 3, 2023. (Testimony of the MassHealth representative).
9. As of the date of the hearing, the appellant had not reapplied for MassHealth. (Testimony of the MassHealth representative).
10. The appellant had not received the application the MassHealth representative mailed. (Testimony of the appellant).

Analysis and Conclusions of Law

MassHealth coverage is provided on a separate basis for individuals under the age of 65 and individuals over the age of 65. (See 130 CMR 501.002(B)). The rules for MassHealth for those under the age of 65 are located at 130 CMR 501 – 508. Once an individual turns 65 years of age, the individual must apply for MassHealth coverage for those over the age of 65. (See 130 CMR 516.001 et seq).

The record shows that the appellant turned 65 on [REDACTED] 2022. The appellant was not required to submit a new application at that time because MassHealth had protections in place due to the COVID-19 emergency. (See EOM 20-09, EOM 21-14, EOM 21-17, EOM 22-10). Those protections ended on April 1, 2023, however. (See EOM 23-11). MassHealth then sent the appellant a notice ending his under-65 MassHealth effective May 26, 2023. In order to continue receiving MassHealth after that date, the appellant was required to submit a new application for MassHealth for persons over the age of 65. As of the date of the hearing, MassHealth had not received a new application. Although the appellant continues to have the opportunity to submit a new MassHealth application, MassHealth's termination of the appellant's coverage as of May 26, 2023 was entirely proper under the rules.

For the above stated reasons, the 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.

Scott Bernard
Hearing Officer
Board of Hearings

cc:

Quincy MEC, Attn: Appeals Coordinator, 100 Hancock Street, 6th Floor, Quincy, MA 02171