

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2304904
Decision Date:	09/21/2023	Hearing Date:	07/20/2023
Hearing Officer:	Scott Bernard	Record Open to:	08/03/2023

Appearance for Appellant:
Pro se via telephone

Appearance for MassHealth:
Elizabeth Nickoson 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:	Dismissed	Issue:	Downgrade of Coverage due to Citizenship Status
Decision Date:	09/21/2023	Hearing Date:	07/20/2023
MassHealth's Rep.:	Elizabeth Nickson	Appellant's Rep.:	<i>Pro se</i>
Hearing Location:	Taunton MassHealth Enrollment Center	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 8, 2023, MassHealth downgraded the appellant's MassHealth coverage as of May 29, 2023 because the appellant's citizenship and immigration status changed.¹ (See 130 CMR 504.003; 505.005 and Exhibit (Ex.) 1). The appellant filed this appeal in a timely manner on (see 130 CMR 610.015(B) and Exhibit 2). Any MassHealth agency action to suspend, reduce, terminate, or restrict a member's assistance is valid grounds for appeal. (See 130 CMR 610.032).

At the hearing, the record was left open until August 3, 2023 to allow the appellant to submit documents at which time the record closed.

Action Taken by MassHealth

MassHealth downgraded the appellant's MassHealth coverage.

¹ The notice also states that the appellant's benefits were temporarily protected for a specific reason such as the member asked for a fair hearing, there were questions about how the member qualified, or there was a public health emergency and that protected status had ended. (See Ex. 1).

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 504.003 and 505.005 , in downgrading the appellant's coverage.

Summary of Evidence

The MassHealth representative testified to the following. The appellant was a Lawful Permanent Resident (LPR). Based on this immigration status, the appellant was eligible for MassHealth CarePlus. MassHealth discovered that the appellant's immigration status changed during the COVID-19 emergency. At that time, the appellant's coverage was protected until the end of the emergency. The emergency ended on March 31, 2023. When the appellant renewed his MassHealth after March 31, 2023, MassHealth acted on the change in the appellant's immigration status. Based on this change in immigration status, the appellant was no longer eligible for CarePlus, but was eligible for Family Assistance as a Person Residing Under Color of Law (PRUCOL).

The appellant stated that he learned about the change in his insurance coverage when he attempted to pay for medications at his pharmacy. They informed him that his insurance was cancelled, and the appellant could not pay for his medications. Once he was informed of this, the appellant discovered that the reason for the change in his coverage was that his Green Card had lapsed in 2018. The appellant has now submitted all the documentation to have his Green Card reinstated. The documentation is in Virginia now and the appellant was informed that it would take until September 6 for USCIS to process it.

The MassHealth representative stated that if the appellant submitted a copy of what he submitted to the USCIS, she would be able to reverse the downgrade. The appellant stated that he would email the MassHealth representative the information that day. For that reason, the hearing record was left open until August 3, 2023 to give the appellant time to submit this required documentation.

On September 15, 2023, the MassHealth representative confirmed *via* email that the appellant had not submitted any further information after the hearing. (Ex. 5).

Findings of Fact

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

1. The appellant was a LPR. (Testimony of the MassHealth representative; Testimony of the appellant).
2. Based on this immigration status, the appellant was eligible for MassHealth CarePlus. (Testimony of the MassHealth representative).

3. The appellant's LPR status lapsed in 2018. (Testimony of the appellant).
4. MassHealth protected the appellant's coverage during the COVID-19 public health emergency. (Testimony of the MassHealth representative).
5. The emergency ended on March 31, 2023. (Testimony of the MassHealth representative).
6. The appellant renewed his MassHealth after March 31, 2023. (Testimony of the MassHealth representative).
7. MassHealth downgraded the appellant's coverage based on the change in the appellant's immigration status. (Testimony of the MassHealth representative).
8. The appellant was no longer eligible for CarePlus, but was eligible for Family Assistance as a PRUCOL. (Testimony of the MassHealth representative).
9. The appellant was given an opportunity to submit documentation that he had renewed his Green Card by August 3, 2023, but did not do so. (Ex. 5).

Analysis and Conclusions of Law

In order to be eligible for MassHealth CarePlus, an individual must either be a U.S. Citizen or a qualified non-citizen. (130 CMR 504.006505.008(A)(2)(b)). Qualified non-citizens include persons who are Lawful Permanent Residents. (130 CMR 504.003(A)). Adults who are nonqualified PRUCOLs, as defined in 130 CMR 504.003(C): *Nonqualified Persons Residing under Color of Law (Nonqualified PRUCOLs)*, whose modified adjusted gross income of the MassHealth MAGI household is at or below 300% of the FPL are eligible for MassHealth Family Assistance. (130 CMR 504.006; 505.003). Nonqualified PRUCOLs include any noncitizen living in the United States with the knowledge and consent of the DHS, and whose departure the DHS does not contemplate enforcing. (130 CMR 504.003(C)(11)).

The record shows that the appellant is presently considered a Nonqualified PRUCOL. For that reason, the appellant is not eligible to receive MassHealth CarePlus but is eligible for MassHealth Family Assistance. The appellant stated at the hearing that he had submitted the renewal for his Green Card and was just waiting for USCIS to process the renewal. The appellant was given an opportunity to submit a copy of the documentation he sent to USCIS but did not do so before the August 3, 2023 due date set at the hearing. The appellant still has opportunity to submit this documentation to MassHealth but for the time being, without more information, MassHealth had correctly determined the type of MassHealth coverage the appellant should receive given his present immigration status.

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:

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