

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2305099
Decision Date:	09/13/2023	Hearing Date:	07/27/2023
Hearing Officer:	Scott Bernard	Record Open to:	

Appearance for Appellant:



Appearance for MassHealth:

Lorenzo Paulino De La Cruz (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:	Under 65 Coverage Start Date
Decision Date:	9/13/2023	Hearing Date:	07/27/2023
MassHealth's Rep.:	Lorenzo Paulino De La Cruz	Appellant's Rep.:	
Hearing Location:	Quincy Harbor South		

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 11, 2023, MassHealth approved the appellant's application for MassHealth Limited benefits with a starting date of May 1, 2023. (See 130 CMR 502.006 and Exhibit (Ex.) 1). The appellant filed this appeal in a timely manner on June 21, 2023. (See 130 CMR 610.015(B) and Ex. 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).

Action Taken by MassHealth

MassHealth approved the appellant for MassHealth with a coverage start date of May 1, 2023.

Issue

The appeal issue is whether MassHealth correctly determined the start date of coverage pursuant to 130 CMR 502.006.

Summary of Evidence

The MassHealth representative stated that the appellant began the online application process by submitting his documentation for identity proofing on April 14, 2023. (Ex. 7, p. 1). The online application process was then locked until MassHealth verified the appellant's identity. MassHealth completed the identity proofing by April 19, 2023. (Ex. 7, p. 1). The application, however, was not completed until May 11, 2023. (Ex. 7, p. 2). Once MassHealth approved the appellant's application, it was able to back date the appellant's coverage it to 10 days prior to the date the application was completed on May 11, 2023. (Ex. 1). The MassHealth representative stated that the regulations did not permit him to back date the appellant's application further than this. MassHealth conceded that while it was true that the appellant would have been locked out of the system during the identity proofing process, once this was completed on April 19, the appellant or his representatives would have been able to complete the application.

The appellant's representative stated that one of her co-workers was the person who assisted the appellant in applying. The appellant's representative read a statement from this advocate, which stated the following:

RCVD A CALL FROM [the MassHealth representative] REGARDING THE CASE[.] I INFORMED HIM THAT I DILIGINTLY SET UP EVERYTHING IN THE SYSTEM 4/14[.] UPLOADED ID PROOFING, ARD FORMS [etc.] [.] IT TOOK SEVERAL TRIES TO GET THRU ID PROOFING SYSTEM ISSUES BEFORE THE ONLINE MASSHEALTH CONNECTOR WOULD ALLOW THE ONLINE APPLICATION TO PROCEED[.] THE PT SHOULD NOT BE PUNISHED AND APPROVED PRIOR TO 5/1 AND NOT BACK DATED TO COVER HIS MEDICAL EXPENSES OF 4/13 BECAUSE OF SYSTEM ISSUES ON THE MASSHEALTH ONLINE ASSISTERS END – I INFORMED THAT I CALLED SEVERAL TIMES AND WAS INFORMED TO ALLOW THE ERROR TO RESET 24HOURS IT WOULD CLEAR AND TRY AGAIN IN A FEW DAYS [.] FINALLY 5/11 WENT THRU BACKDATING TO 5/1 . ON A NORMAL OCCASSION ID PROOFING TAKES ANYWHERE 7-10 DAYS PROCESSING[.] THE SYSTEM HINDERS AT TIMES DEPENDING ON OUTSANDING SS# OR FORMS OR ERRORS THAT MAY BE OUTSTANDING; BUT THE PT SHOULD NOT BE PUNISHED BECAUSE OF THIS SYSTEM NOT WORKING SEAMLESS – LORENZO INFORMED THAT ON HIS END ID PROOFING CLEARAD IN THE SYSTEM IN A FEW DAYS, I INFORMED THAT IF THIS WERE THE CASE I WOULD HAVE PROCESSED THE CASE TO COVER THE PT EXPENSES AND NOT AS FOR RETRO COVERAGE. (Ex. 6).¹

¹ At the hearing officer's request, the appellant's representative forwarded a written copy of the statement. This is reproduced here with some minor formatting changes/editing – both contained in the brackets.

Findings of Fact

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

1. As part of the online application process, the appellant submitted the appellant's documentation for identity proofing on April 14, 2023. (Testimony of the MassHealth representative; Ex. 6; Ex. 7, p. 1).
2. The online application process was locked until MassHealth verified the appellant's identity. (Testimony of the MassHealth representative).
3. MassHealth completed the identity proofing by April 19, 2023. (Testimony of the MassHealth representative; Ex. 7, p. 1).
4. The application was not completed and submitted until May 11, 2023. (Testimony of the MassHealth representative; Ex. 6; Ex. 7, p. 2).
5. Once MassHealth approved the appellant's application, it was able to back date the appellant's coverage it to 10 days prior to the date the application was completed on May 11, 2023. (Testimony of the MassHealth representative; Ex. 1).

Analysis and Conclusions of Law

To apply for MassHealth, an individual or their authorized representative must file an application online, complete a paper application, complete a telephone application, or apply in person at a MassHealth Enrollment Center (MEC). (130 CMR 502.001(A)). The date of application for an online, telephonic, or in-person application is the date the application is submitted to the MassHealth agency. (130 CMR 502.001(A)(1)(a)). Individuals, or their authorized representative, if applicable, completing an application for MassHealth online must be identity proofed. (130 CMR 502.001(A)(2)(a)). Eligibility based on an online application cannot be determined until the identity is proven, or a paper application is submitted. (Id.).

Regarding the identity proofing process, the regulations state the following:

An individual or his or her authorized representative, if applicable, completing an online or telephonic application will be asked a series of questions to prove his or her identity.

(a) **If the individual is successfully identity proofed, the application may be submitted** and an eligibility determination will be performed.

(b) If the individual is not successfully identity proofed, the individual will be asked to provide one or two forms of acceptable documentation proving his or her identity.

(c) When identity proof is received, an individual can submit an application and the eligibility process commences. The MassHealth agency will determine

1. the coverage type providing the most comprehensive medical benefits for which the applicant is eligible and the application is considered submitted on the date of successful identity proofing; and
2. the need to request any corroborative information necessary to determine eligibility, as provided in 130 CMR 502.001(B) through (D).

(d) If identity proof is not received, the MassHealth agency is unable to determine eligibility for medical benefits.

(e) To prove his or her identity, an individual can submit the acceptable proofs of identity as described in 130 CMR 504.005(A)(1): Acceptable Proof of Both Citizenship and Identity or 130 CMR 504.005(A)(3): Acceptable Proof of Identity. (Emphases added). (130 CMR 502.001(A)(3)).

The start date of coverage for individuals who are not provisionally eligible² and who submit all required verifications within the 90-day time frame, is determined upon receipt of the requested verifications and begins ten days prior to the date of application. (130 CMR 502.006(A)(2)(a)).³

The record shows that the appellant, with the assistance of another individual, submitted identity proofing documents online on April 14, 2023. The regulations state that, until the identity proofing is completed, an applicant cannot submit an application. The MassHealth representative stated that the identity proofing was completed by April 19, 2023, at which time the appellant could have submitted his application. Yet, the record does not show the appellant submitted the application until May 11, 2023.

The documentation from the appellant's representatives asserts that they could not access the application until May 11, 2023. This documentation states that the appellant and his advocate locked out of the system for some period after submitting identity proofing documentation on April 14th. The MassHealth representative explained that until identity proofing is completed, an applicant is locked out of the online application system. The appellant's representatives asserted that they tried to reenter the system several times to complete the application. They did not document the dates they attempted to do so. It is more likely than not that they attempted to reenter the system several times between April 14th and April 19th, times when they would have been locked out of the system because MassHealth had not completed identity proofing the appellant. There is insufficient evidence that the appellant's representatives attempted to complete the application at any point between April 19th and May 11th. For that reason, the record supports the conclusion that the completed application

² Provisional eligibility is described at 130 CMR 502.003(E)(1). The appellant, however, was not categorically eligible to receive provisional eligibility. (See 130 CMR 502.003(E)(2)).

³ There are limitations that are not relevant to this particular case. (See 130 CMR 502.006(C)).

was only submitted on May 11, 2023 and that for that reason, MassHealth correctly determined the coverage start date was May 1, 2023.

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

[REDACTED]