

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2306159
Decision Date:	10/30/2023	Hearing Date:	8/24/2023
Hearing Officer:	Patrick Grogan	Record Open to:	9/15/23

Appearance for Appellant:



Appearance for MassHealth:

Elizabeth Nickoson, Taunton MEC

Interpreter:

N/A



*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:	10/30/2023	Hearing Date:	8/24/2023
MassHealth's Rep.:	Elizabeth Nickoson	Appellant's Rep.:	Pro se
Hearing Location:	Remote (Tel)	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 July 19, 2023, MassHealth approved the Appellant's application for MassHealth benefits beginning June 11, 2023 (see 130 CMR 502.006 and Exhibit 1). The Appellant filed this appeal in a timely manner on July 24, 2023 (see 130 CMR 610.015(B) and Exhibit 2). Imposition of a coverage date is a MassHealth action and is valid grounds for appeal (see 130 CMR 610.032(3)).

Action Taken by MassHealth

MassHealth approved the Appellant's application for MassHealth benefits beginning June 11, 2023 (see 130 CMR 502.006 and Exhibit 1).

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 502.006, in determining that the Appellant's MassHealth coverage begins June 11, 2023 (see 130 CMR 502.006 and Exhibit 1).

Summary of Evidence

The Appellant is an MassHealth member who applied for MassHealth benefits after giving birth to her child on [REDACTED] 2023. (Testimony) MassHealth testified that an application for MassHealth benefits was received on June 21, 2023. (Testimony) Although the application was missing necessary information, the information was eventually provided, and the Appellant was approved for MassHealth Standard, beginning on June 11, 2023. (Testimony, 130 CMR 502.006)

The Appellant testified that she had called MassHealth on June 9, 2023 but did not submit an application at that time. (Testimony, Exhibit 5). On June 13, 2023, the Appellant spoke with an “ARD” and “was under the impression that the “ARD” ([REDACTED]) was submitting the application on 6/13” (Testimony, Exhibit 2, Exhibit 5). The Appellant stated that she was told to contact MassHealth later when she was obtaining bloodwork on [REDACTED] 2023 to ascertain why she had not received a MassHealth Identification Card and Member Number. (Testimony, Exhibit 2, Exhibit 5) The Appellant was informed that no application had been received, and the Application was submitted on that date, June 21, 2023. (Testimony, Exhibit 2, Exhibit 5). Further testimony by the Appellant indicated that she had contacted MassHealth repeatedly to ascertain what had happened with the application. (Testimony). MassHealth responded that a review of call logs revealed no calls to MassHealth from the Appellant. (Testimony). It was determined that the calls by the Appellant were to the “ARD” ([REDACTED]) who was termed a “helper” and is not associated with MassHealth. (Testimony) The Appellant reiterated that she was under the impression that the “ARD” [REDACTED] had submitted the application when she authorized [REDACTED] to serve as her Authorized Representative during the application process with MassHealth. (Testimony)

MassHealth responded that the only application or communication they found related to the Appellant’s application was that which was received on June 21, 2023. (Testimony). MassHealth suggested that the Appellant may wish to reach out to the “ARD” ([REDACTED]) to see if she had a log or confirmation of an application being submitted to MassHealth on the Appellant’s behalf prior to June 21, 2023. (Testimony) MassHealth explained that coverage could begin 10 days prior to the submission of the application, which MassHealth has done pursuant to the Regulations in the Notice dated July 19, 2023. (Testimony, Exhibit 1)

The Record was left open for the Appellant until September 8, 2023 for the Appellant to contact the “ARD” (Winifred Nganda) to see if she had a log or confirmation of an application being submitted to MassHealth on the Appellant’s behalf prior to June 21, 2023. The Record was further left open until September 15, 2023 for MassHealth to review any submission from the Appellant and to respond. (Exhibit 6) Although further communication was received, the communication indicated that the application had not been submitted prior to June 21, 2023. (Exhibit 7)

Findings of Fact

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

1. The Appellant is an MassHealth member who applied for MassHealth benefits after giving birth to her child on [REDACTED] 2023. (Testimony)
2. MassHealth received an application for MassHealth benefit on behalf of the Appellant on June 21, 2023. (Testimony, Exhibit 1)
3. The Appellant has been approved for MassHealth Standard, beginning on June 11, 2023. (Testimony, 130 CMR 502.006)
4. MassHealth reviewed call logs and determined that no calls to MassHealth from the Appellant were logged prior to the submission of her application on June 21, 2023. (Testimony).
5. The Appellant confirmed that the application had not been submitted prior to June 21, 2023. (Exhibit 7)

Analysis and Conclusions of Law

The Appellant has the burden "to demonstrate the invalidity of the administrative determination." Andrews v. Division of Medical Assistance, 68 Mass. App. Ct. 228. See also Fisch v. Board of Registration in Med., 437 Mass. 128, 131 (2002); Faith Assembly of God of S. Dennis & Hyannis, Inc. v. State Bldg. Code Commn., 11 Mass. App. Ct. 333, 334 (1981); Haverhill Mun. Hosp. v. Commissioner of the Div. of Med. Assistance, 45 Mass. App. Ct. 386, 390 (1998).

Here, the applicable Regulation can be found at 130 CMR 502.006(A)(2)(a):

502.006: Coverage Dates

(A) Start Date of Coverage for Applicants. For individuals applying for coverage, the date of coverage for MassHealth is determined by the coverage type for which the applicant may be eligible. 130 CMR 505.000: Health Care Reform: MassHealth: Coverage Types describes the rules for establishing this date, except as specified in 130 CMR 502.003(E)(1), (F)(2), and (H)(2).

(1) The start date of coverage for individuals approved for benefits under provisional eligibility is described at 130 CMR 502.003(E)(1).

(2) The start date of coverage for individuals who do not meet the requirements for provisional eligibility, as described at 130 CMR

502.003(E)(2)(a), is described at 130 CMR 502.006(A)(2)(a) through (c), except individuals described at 130 CMR 502.006(C).

(a) For individuals who submit all required verifications within the 90-day time frame, the start date of coverage is determined upon receipt of the requested verifications and coverage begins ten days prior to the date of application, except as specified in 130 CMR 506.006(C).

In the instant appeal, the application submitted on behalf of the Appellant was received on June 21, 2023. MassHealth was able to obtain the omitted information within 90 days, and approved the Appellant for MassHealth Standard, beginning on June 11, 2023, 10 days prior to the date of the application. (Testimony, Exhibit 1) The Appellant testified regarding her impressions of when the application was filed and the general confusion surrounding the role of her authorized representative, the "ARD" (██████████). However, these impressions and general confusion do not invalidate that administrative determination by MassHealth which comports with the explicit dictates of 130 CMR 502.006(A)(2)(a). On this record, the Appellant has not met her burden, by a preponderance of evidence, that the MassHealth determination is invalid. Therefore, 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.

Implementation of this Decision

If this decision is not implemented within 30 days after the date of this decision, you should contact your MassHealth Enrollment Center. If you experience problems with the implementation of this decision, you should report this in writing to the Director of the Board of Hearings, at the address on the first page of this decision.

Patrick Grogan
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Justine Ferreira, Taunton MassHealth Enrollment Center, 21 Spring St., Ste. 4, Taunton, MA 02780, 508-828-4616