

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



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|-------------------------|------------------|-----------------------|------------|
| Appeal Decision: | Dismissed | Appeal Number: | 2306284 |
| Decision Date: | 10/19/2023 | Hearing Date: | 08/31/2023 |
| Hearing Officer: | Kimberly Scanlon | | |

Appearance for Appellant:
Via telephone
Pro se

Appearance for MassHealth:
Via telephone
Fabienne Jeanniton;
Karishma Raja, Premium Billing



*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

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|---------------------------|---|--------------------------|-----------------------|
| Appeal Decision: | Dismissed | Issue: | Eligibility; Under 65 |
| Decision Date: | 10/19/2023 | Hearing Date: | 08/31/2023 |
| MassHealth's Rep.: | Fabienne Jeanniton; Karishma Raja | Appellant's Rep.: | <i>Pro se</i> |
| Hearing Location: | Tewksbury MassHealth Enrollment Center Room 1 (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 July 18, 2023, MassHealth notified the Appellant that she is eligible for MassHealth CommonHealth benefits, with a monthly premium assessed. MassHealth also notified the Appellant by notice dated July 26, 2023 that her coverage was being terminated on August 9, 2023 because the Appellant withdrew her application. (130 CMR 502.009; Exhibit 1). The Appellant filed this appeal in a timely manner on or about July 26, 2023. (130 CMR 610.015(B); Exhibit 2). Termination of assistance is valid grounds for appeal. (130 CMR 610.032).

Action Taken by MassHealth

MassHealth notified the Appellant that her coverage was being terminated because she withdrew her application.

Issue

The appeal issue is whether MassHealth was correct in determining that the Appellant's coverage

should be terminated.

Summary of Evidence

The MassHealth representatives appeared at the hearing *via* telephone and testified as follows: the Appellant was previously receiving MassHealth Standard coverage which ended on July 7, 2023 because MassHealth determined that the Appellant was over the allowable income limits. She explained that the Appellant's income was over 133% of the Federal Poverty Level (hereinafter "FPL"). However, the Appellant qualifies for CommonHealth coverage, with a monthly premium. MassHealth subsequently received a written request from the Appellant requesting to cancel her coverage because she did not want to pay a monthly premium which generated the July 26, 2023 termination notice. (Exhibit 1). Because the Appellant requested to withdraw her application within 60 days from receipt of notice, Premium Billing waived the Appellant's bill for the month of July and therefore she has no pending balance on her account.

The Appellant appeared at the hearing telephonically and testified that she did not want to pay monthly premium bills. The Appellant explained that she previously contacted MassHealth and was assured that she would not receive any bills because she cancelled her coverage. The Appellant subsequently received a bill for the month of July from Premium Billing. (Exhibit 5, p. 4). The Appellant contacted MassHealth again and received another letter with a different coverage end date. (Exhibit 1, p. 1; Exhibit 5, p. 1.). Upon inquiry, the MassHealth representatives confirmed that the Appellant does not have an outstanding balance. The Appellant expressed her appreciation.

Findings of Fact

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

1. The Appellant is under the age of 65. (Exhibit 3).
2. On or about July 18, 2023, MassHealth notified the Appellant that she was eligible for CommonHealth benefits with a monthly premium assessed. (Exhibit 1, pp. 3-6).
3. On or about July 26, 2023, MassHealth notified the Appellant that her MassHealth coverage was being terminated on August 9, 2023 because she withdrew her application. (Exhibit 1, pp. 1-2).
4. The Appellant timely appealed on or about July 26, 2023. (Exhibit 2).
5. The Appellant's premium bills were waived because she withdrew her application within the allowable time period. (Testimony).

Analysis and Conclusions of Law

MassHealth may make an adjustment in the matters at issue before or during an appeal period. (See, 130 CMR 610.051(B)). If the parties' adjustment resolves one or more of the issues in dispute in favor of the Appellant, the hearing officer, by written order, may dismiss the appeal in accordance with 130 CMR 610.035 as to all resolved issues, noting as the reason for such dismissal that the parties have reached agreement in favor of the appellant. *Id.*

With respect to 130 CMR 610.035, the Board of Hearings will dismiss a hearing when....

- (1) the request is not received within the time frame specified in 130 CMR 610.015;
- (2) the request is withdrawn by the appellant;
- (3) the sole issue is one of state or federal law requiring automatic change in assistance for classes of members;
- (4) the stated reason for the request does not constitute grounds for appeal as set forth in 130 CMR 610.032. Without limiting the generality of the foregoing, except as provided in 130 CMR 610.032(A)(11), no provider decision or action including, but not limited to, a provider determination about whether or the extent to which a service is medically necessary constitutes an appealable action hereunder;
- (5) the stated reason for the hearing request is outside the scope of 130 CMR 610.000 as set forth in 130 CMR 610.003;
- (6) BOH has conducted a hearing and issued a decision on the same appealable action arising out of the same facts that constitute the basis of the request;
- (7) the party requesting the hearing is not an applicant, member, or resident as defined in 130 CMR 610.004;
- (8) BOH learns of an adjustment or action that resolves all of the issues in dispute between the parties;
- (9) BOH learns that the applicant or member has passed away prior to the date of filing and there is no full compliance with 130 CMR 610.016(B) within ten days of a BOH request;
- (10) BOH learns that the applicant or member has passed away prior to the date of filing and scheduling a hearing and is not informed until the date of the hearing and there is no full compliance with 130 CMR 610.016(B); or
- (11) the appellant fails to appear at a scheduled hearing.

....

(130 CMR 610.035(A)).

In the present case, the Appellant was satisfied with the resolution made at the hearing by the MassHealth representatives. Because the appeal issue has been resolved in the Appellant's favor, there is nothing left to dispute before the hearing officer. For the above-stated reasons, this

appeal is dismissed.

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.

Kimberly Scanlon
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Sylvia Tiar, Tewksbury MassHealth Enrollment Center, 367 East Street, Tewksbury, MA 01876-1957, 978-863-9290

Maximum Premium Billing: Attn: Karishma Raja, 1 Enterprise Drive, Suite 310, Quincy, MA 02169