

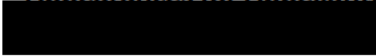
Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2306367
Decision Date:	8/31/2023	Hearing Date:	08/28/2023
Hearing Officer:	David Jacobs	Record Open to:	

Appearances for Appellant:



Appearances for MassHealth:

Scarlis Javier, MEC Worker
Karishima 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

Appeal Decision:	Dismissed	Issue:	Eligibility; Application Withdrawal
Decision Date:	08/31/2023	Hearing Date:	08/28/2023
MassHealth Rep:	Scarlis Javier	Appellant's Rep.:	
Hearing Location:	Remote		

Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder.

Jurisdiction

Through notice dated June 16, 2023, MassHealth notified the appellant that he is not eligible for MassHealth benefits because he withdrew his application (Exhibit 1). The appellant timely appealed this notice on July 31, 2023. The denial of assistance is a valid ground for appeal (130 CMR 610.032(A)).

Action Taken by MassHealth

MassHealth notified the appellant that he is not eligible for MassHealth benefits because he withdrew his application.

Issue

The appeal issue is whether MassHealth was correct in determining that the appellant is not eligible for MassHealth benefits.

Summary of Evidence

The MassHealth representative participated telephonically and provided some background information. She explained that, on June 30, 2022, MassHealth notified the appellant that his son was eligible for MassHealth CommonHealth benefits, effective June 20, 2022, with a monthly premium of \$262.00. The notice further states that if the appellant does not want these benefits, he needs to cancel the coverage within 60 days (Exhibit 5). The MassHealth representative further explained that due to the COVID-19 public health emergency, MassHealth did not assess any CommonHealth premiums for a period of time. However, when the public health emergency ended on May 11, 2023, MassHealth commenced assessing premiums and sent a premium bill to the family in June 2023 (Exhibit 4). The MassHealth representative stated that the appellant called MassHealth on June 16, 2023 to cancel his and his son's coverage. Based on that phone call, MassHealth issued the June 16, 2023 notice on appeal.

The appellant participated in the hearing telephonically as well and explained that he does not dispute the June 16 notice – he did in fact withdraw his application and does not wish to reinstate benefits for any of his family members. Rather, the appellant explained that, in January 2023, his family began receiving employer-sponsored health insurance through his employer. Therefore, since January of this year, he has no longer needed MassHealth coverage for any of his family members.

The appellant explained that his dispute is about a June 2023 premium bill in the amount of \$262 related to his son's MassHealth CommonHealth coverage (Exhibit 4). He seeks to have this premium waived, as his son did not need, and did not use MassHealth coverage during this time period. The appellant agreed that he did not cancel the CommonHealth benefits in a timely manner; he was not paying attention to the notices he was receiving at the time.

Findings of Fact

1. On June 30, 2022, MassHealth notified the appellant that his son was eligible for MassHealth CommonHealth benefits, effective June 20, 2022, with a monthly premium of \$262.00.
2. The appellant did not timely appeal the June 30, 2022 notice, nor did he cancel his son's coverage within 60 days.
3. Due to the COVID-19 public health emergency, MassHealth temporarily waived premiums and did not send premium bills; this policy extended to the premiums assessed for the appellant's son's coverage.
4. The public health emergency ended on May 11, 2023, and MassHealth began to send

premium bills again, including in the appellant's case.

5. In or around June 2023, MassHealth sent the appellant a \$262.00 premium bill.
6. On June 16, 2023, the appellant called MassHealth to withdraw his application and cancel any existing coverage for himself and his son.
7. On June 16, 2023, MassHealth issued the notice on appeal.
8. The appellant timely appealed the June 16, 2023 notice.

Analysis and Conclusions of Law

In this case, the appellant disputes MassHealth's assessment of a June 2023 premium related to his minor child's MassHealth CommonHealth coverage. The notice advising the appellant of his son's coverage and of the premium, however, was dated June 30, 2022. Because the appellant did not timely appeal this notice, the hearing officer has no jurisdiction to adjudicate the matter, and the appeal as to this issue is dismissed (130 CMR 510.035(A)(1)).¹

The hearing officer does have jurisdiction over the notice that was timely appealed; a notice dated June 16, 2023 in which MassHealth determined that the appellant is not eligible for MassHealth benefits because he withdrew his application. However, because the appellant does not dispute this MassHealth action, the appeal as to this issue is dismissed as well (130 CMR 610.035(A)(8)).

Order for MassHealth

None.

¹ The appellant should note the following regarding his responsibility for the assessed premium charges for June 2023. Per 130 CMR 506.011(C)(5), "[i]f the member contacts the MassHealth agency by telephone, in writing, or online and requests a voluntary withdrawal within 60 calendar days from the date of the eligibility notice and premium notification, MassHealth premiums are waived." Otherwise, the member is responsible for the payment of all premiums up to and including the calendar month of withdrawal (130 CMR 506.011(H)).

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.

David Jacobs
Hearing Officer
Board of Hearings

cc: Tewksbury MEC