

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied in part; Dismissed in part	Appeal Number:	2306550
Decision Date:	11/13/2023	Hearing Date:	09/05/2023
Hearing Officer:	Alexandra Shube	Record Open to:	09/26/2023

Appearance for Appellant:

Via telephone:

Pro se

Appearance for MassHealth:

Via telephone:

Allison Gates, Springfield MEC



*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 in part; Dismissed in part	Issue:	Eligibility; over 65; did not return eligibility review form
Decision Date:	11/13/2023	Hearing Date:	09/05/2023
MassHealth's Rep.:	Allison Gates	Appellant's Rep.:	Pro se
Hearing Location:	Springfield MassHealth Enrollment Center 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 27, 2023, MassHealth informed the appellant that his MassHealth coverage would be terminated because he did not return the eligibility review form (Exhibit 1). The appellant filed this appeal in a timely manner on August 4, 2023 (see 130 CMR 610.015(B) and Exhibit 2). Denial and/or termination of assistance is valid grounds for appeal (see 130 CMR 610.032).

The record in this appeal was held open until September 26, 2023.

Action Taken by MassHealth

MassHealth informed the appellant it was terminating his benefits because he did not return the eligibility review form.

Issue

The appeal issue is whether MassHealth was correct in determining that the appellant did not return the eligibility review form.

Summary of Evidence

The MassHealth representative appeared at hearing via telephone and testified that on July 27, 2023, MassHealth notified the appellant, who is over the age of 65, that it was terminating his MassHealth coverage because he did not return the eligibility review form. This is the notice under appeal. She stated that the eligibility review form was due on July 22, 2023, but MassHealth did not receive it until July 27, 2023. Since receiving the eligibility review form, MassHealth issued an information request on August 2, 2023. The MassHealth representative received some documentation and determined that additional information was needed, prompting MassHealth to issue a new information request on August 28, 2023 with a due date of November 26, 2023. The appellant's MassHealth Standard benefits with Senior Buy-in were protected during the appeal process through aid pending.

The appellant appeared via telephone and testified that he was away most of June and July, which delayed sending in his renewal application. He received the most recent information request a few days ago and has assembled all the documents except the deed, on which he is still waiting.

The record was held open until September 19, 2023 to allow the appellant to submit the verifications requested in the August 28, 2023 request for information. MassHealth was given until September 26, 2023 to review and respond to the appellant's submission. The appellant's benefits remained in effect during the appeal process through aid pending.

On September 18, 2023, the MassHealth representative responded via email that she reviewed the documentation submitted. Based on the income and assets reported, the appellant is eligible for Partial Health Safet Net with a deductible of \$7,161.60, effective September 18, 2023

Findings of Fact

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

1. On July 27, 2023, MassHealth notified the appellant, who is over the age of 65, that it was terminating his MassHealth coverage because he did not return the eligibility review form (Testimony and Exhibit 1).

2. The eligibility review form was due on July 22, 2023 and MassHealth did not receive it until July 27, 2023 (Testimony).
3. On August 4, 2023, the appellant timely appealed the July 27, 2023 termination notice (Exhibit 2).
4. The appellant's benefits were protected through aid pending during the appeal process (Testimony).
5. MassHealth issued an information request on August 2, 2023 and, after receiving some documentation, a second information request on August 28, 2023 (Testimony).
6. The record was held open until September 19, 2023 for the appellant to submit outstanding verifications and until September 26, 2023 for MassHealth to review and respond (Exhibit 5).
7. On September 18, 2023, the MassHealth responded via email that she reviewed the documentations submitted. Based on the income and assets reported, the appellant is eligible for Partial Health Safet Net with a deductible of \$7,161.60, effective September 18, 2023. (Exhibit 6).

Analysis and Conclusions of Law

130 CMR 516.007 states the following regarding continuing eligibility and renewals:

(A) Annual Renewals. The MassHealth agency reviews eligibility once every 12 months. Eligibility may also be reviewed as a result of a member's changes in circumstances or a change in MassHealth eligibility rules, or as a result of a member's failure to provide verification within requested time frames. The MassHealth agency updates eligibility based on information received as the result of such review. The MassHealth agency reviews eligibility

- (1) by information matching with other agencies, health insurance carriers, and information sources;
- (2) through a written update of the member's circumstances on a prescribed form;
- (3) through an update of the member's circumstances, in person; or
- (4) based on information in the member's case file.

(B) Eligibility Determinations. The MassHealth agency determines, as a result of this review, if

- (1) the member continues to be eligible for the current coverage type;
- (2) the member's current circumstances require a change in coverage type; or
- (3) the member is no longer eligible for MassHealth.

(C) Eligibility Reviews. MassHealth reviews eligibility in the following ways.

(1) Automatic Renewal. Households, whose continued eligibility can be determined based on electronic data matches with federal and state agencies, will have their eligibility automatically renewed.

(a) The MassHealth agency will notify the member if eligibility has been reviewed using the automatic renewal process.

(b) If the member's coverage type changes to a more comprehensive benefit, the start date for the new coverage is determined as described at 130 CMR 516.006.

(2) MassHealth Eligibility Renewal Application. **If the individual is residing in the community and his or her continued eligibility cannot be determined based on reliable information contained in his or her account or electronic data match with federal and state agencies, a MassHealth eligibility review form must be completed.**

(a) The MassHealth agency will notify the member of the need to complete the MassHealth eligibility review form.

(b) The member will be given 45 days from the date of the request to return the paper MassHealth eligibility review form.

1. If the review is completed within 45 days, eligibility will be determined using the information provided by the individual with verification confirmed through electronic data matches if available.

2. If the review is not completed within 45 days, eligibility will be terminated within 14 days from the date of the termination notice.

3. If the requested review form is submitted within 30 days from the date of the termination, a second eligibility determination is made within 15 days. Eligibility may be established retroactive to the date of termination, if otherwise eligible.

(c) If the member's coverage type changes, the start date for the new coverage type is effective as of the date of the written notice.

(Emphasis added).

The issue on appeal was whether MassHealth was correct in issuing the July 27, 2023 termination notice for the appellant's failure to return the eligibility review form. The appellant's eligibility review form was due on July 22, 2023 and MassHealth did not receive it by that time. Thus, MassHealth correctly issued the termination notice pursuant to 130 CMR 516.007(C)(2) and the appeal is denied in part. MassHealth has since received the eligibility review form from the appellant. As such, the issue on appeal has been resolved and the appeal is dismissed in part.¹

¹ The appellant was given additional time at hearing through a record open period to submit verifications while his benefits were protected through aid pending. During the record open period, MassHealth received the needed

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.

Alexandra Shube
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Dori Mathieu, Springfield MassHealth Enrollment Center, 88 Industry Avenue, Springfield, MA 01104

verifications to make an eligibility determination, which is separate from the issue currently under appeal. MassHealth determined that the appellant qualifies for Partial Health Safet Net with a deductible of \$7,161.60, effective September 18, 2023. If the appellant disagrees with that determination, he has new appeal rights with the new notice.