

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Approved	Appeal Number:	2307683
Decision Date:	11/21/2023	Hearing Date:	10/06/2023
Hearing Officer:	Emily T. Sabo		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Damion English, Quincy 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:	Approved	Issue:	Eligibility; Under 65
Decision Date:	11/21/2023	Hearing Date:	10/06/2023
MassHealth's Rep.:	Damion English	Appellant's Rep.:	Pro se
Hearing Location:	Quincy Harbor South (Telephone)	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 28, 2023, MassHealth approved the Appellant's application for MassHealth CarePlus benefits, starting on July 18, 2023 (see 130 CMR 505.008 and Exhibit 1). The Appellant filed this appeal in a timely manner on August 28, 2023, challenging the coverage date of the MassHealth CarePlus benefits (see 130 CMR 610.015(B) and Exhibit 2). A challenge to the denial of MassHealth assistance for a period of time is valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth approved the Appellant's application for MassHealth CarePlus, starting on July 18, 2023.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 505.008, in determining that July 18, 2023, is the correct start date for the Appellant's eligibility for MassHealth CarePlus.

Summary of Evidence

The MassHealth representative appeared at the hearing telephonically and testified as follows: the Appellant is an individual between the ages of 21 to 64, has a household size of one, and no income. The MassHealth representative testified that the Appellant had MassHealth CarePlus coverage from October 22, 2022, until May 1, 2023. The MassHealth representative testified that on April 17, 2023, the Appellant had contacted MassHealth to report a change, and that MassHealth's records indicated that the Appellant voluntarily withdrew from MassHealth coverage as of May 1, 2023.

The Appellant appeared at the hearing and verified his identity. The Appellant's appeal and testimony stated that his appeal concerned his date of coverage, specifically the period between May 1-July 18, 2023. The Appellant testified that he had started a new job in October 2022 and that with his position, he had employer-sponsored health insurance through United Health Care as his primary insurance and that MassHealth had been his secondary insurance. The Appellant testified that he lost his job on March 24, 2023. He testified that beginning on April 2, 2023, he contacted MassHealth many times because he wanted MassHealth to become his primary insurance. The Appellant testified that he spent more than sixteen hours on the phone with MassHealth representatives and that he had spent approximately half of that time on hold, as well as being disconnected and hung up on. The Appellant testified that he followed all the instructions that he received from the MassHealth representatives he spoke with. The Appellant testified that he did not voluntarily withdraw from MassHealth coverage in April-May 2023.

The MassHealth representative testified that he did not have any more detailed information on the change recorded on April 17, 2023, or the Appellant's voluntary withdrawal of coverage on May 1, 2023.

Findings of Fact

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

1. The Appellant is an individual between the ages of 21 to 64 (Testimony).
2. The Appellant has a household size of one and no income (Testimony and Exhibit 1).
3. By notice dated July 28, 2023, MassHealth determined that the Appellant is eligible for MassHealth CarePlus (Exhibit 1).
4. The Appellant did not voluntarily withdraw from MassHealth coverage in April-May 2023 (Testimony).
5. The Appellant had MassHealth CarePlus coverage from October 22, 2022, until May 1, 2023 (Testimony and Exhibit 4).

Analysis and Conclusions of Law

The MassHealth CarePlus regulations at 130 CMR 505.008(A) provide:

(A) Overview.

- (1) 130 CMR 505.008 contains the categorical requirements and financial standards for MassHealth CarePlus. This coverage type provides coverage to adults 21 through 64 years old.
- (2) Persons eligible for MassHealth CarePlus Direct Coverage are eligible for medical benefits, as described in 130 CMR 450.105(B): MassHealth CarePlus and 130 CMR 508.000: MassHealth: Managed Care Requirements and must meet the following conditions.
 - (a) The individual is an adult 21 through 64 years old.
 - (b) The individual is a citizen, as described in 130 CMR 504.002: U.S. Citizens, or a qualified noncitizen, as described in 130 CMR 504.003(A)(1): Qualified Noncitizens.
 - (c) The individual's modified adjusted gross income of the MassHealth MAGI household is less than or equal to 133% of the federal poverty level.
 - (d) The individual is ineligible for MassHealth Standard.
 - (e) The adult complies with 130 CMR 505.008(C).
 - (f) The individual is not enrolled in or eligible for Medicare Parts A or B.

130 CMR 505.008(A).

The MassHealth regulations at 130 CMR 502.008(B) provide that:

- (B) The MassHealth agency also provides members a notice, in accordance with 130 CMR 610.015: Time Limits, of any loss of coverage, or any changes in coverage type, premium, or premium assistance payments.

130 CMR 502.008(B).

The MassHealth regulations at 130 CMR 502.009 provide:

502.009: Voluntary Withdrawal

The applicant or authorized representative may voluntarily withdraw his or her application for MassHealth.

130 CMR 502.009.

In the present case, based on the preponderance of the evidence, I find that the Appellant did not voluntarily withdraw from his MassHealth CarePlus coverage in April or May 2023, and that MassHealth erred when it recorded that he had done so. Accordingly, the appeal is approved. MassHealth is directed to restore the Appellant's MassHealth CarePlus coverage for the period of May 1, 2023, to July 18, 2023.

Order for MassHealth

Restore the Appellant's MassHealth CarePlus coverage for the period of May 1, 2023, to July 18, 2023.

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.

Emily T. Sabo
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Quincy MEC, Attn: Appeals Coordinator, 100 Hancock Street, 6th Floor, Quincy, MA 02171