

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2307794
Decision Date:	11/17/2023	Hearing Date:	10/03/2023
Hearing Officer:	Kimberly Scanlon		

Appearance for Appellant:
Via telephone
Pro se

Appearance for MassHealth:
Via telephone
Luisa Cabral



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; Under 65; Over income
Decision Date:	11/17/2023	Hearing Date:	10/03/2023
MassHealth's Rep.:	Luisa Cabral	Appellant's Rep.:	<i>Pro se</i>
Hearing Location:	Quincy Harbor South 2 (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 August 5, 2023, MassHealth notified the Appellant that he was not eligible for MassHealth benefits because MassHealth determined that he is over the allowable income limits. The notice further stated that the Appellant is eligible for Health Safety Net coverage and for a ConnectorCare plan. (130 CMR 506.007; Exhibit 1). The Appellant filed this appeal in a timely manner on or about September 1, 2023. (130 CMR 610.015(B); Exhibit 2). Denial of assistance is valid grounds for appeal. (130 CMR 610.032).

Action Taken by MassHealth

MassHealth notified the Appellant that he was not eligible for MassHealth benefits because he is over the allowable income limits.

Issue

The appeal issue is whether MassHealth was correct in determining that the Appellant was over the allowable income limits to qualify for MassHealth benefits.

Summary of Evidence

The MassHealth representative appeared at the hearing *via* telephone and testified as follows: the Appellant received a notice dated August 5, 2023 which stated that he was temporarily approved for Health Safety Net coverage, beginning on July 26, 2023. She further testified that the August 5, 2023 notice also informed the Appellant that he is eligible for a ConnectorCare plan. (See, Exhibit 1). The MassHealth representative explained that the Appellant had 90 days to enroll into a ConnectorCare plan. Because the Appellant did not do so within this timeframe, his health care plan reverted to Health Safety Net, which covers eligible dental services.¹ The MassHealth representative further explained that she contacted the Appellant by telephone and explained that he has not enrolled into a plan. During this telephone call, the MassHealth representative inquired whether the Appellant would like to contact ConnectorCare with her on the telephone to assist him with enrolling into a plan. The MassHealth representative testified that a monthly premium has not been assessed because the Appellant has not yet enrolled in a health care plan. Upon inquiry, the MassHealth representative explained that the Appellant stated in response that he would contact ConnectorCare the following day.

The Appellant appeared at the hearing telephonically and testified that he spoke to ConnectorCare prior to the hearing. The MassHealth representative explained that she spoke to the Appellant again, prior to the hearing, and he explained that he would contact ConnectorCare later. The Appellant testified that he did not have any questions.

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 August 5, 2023, MassHealth notified the Appellant that he is not eligible for MassHealth benefits because he is over the allowable income limits. The Appellant is eligible for Health Safety Net coverage. (Exhibit 1).
3. The Appellant timely appealed on or about September 1, 2023. (Exhibit 2).
4. The Appellant is also eligible for a health insurance plan through the Health Connector. (Testimony; Exhibit 1).

Analysis and Conclusions of Law

¹ Health Safety Net coverage may also assist with certain health care services at Massachusetts acute hospitals or community health centers. (See, Exhibit 1, p. 1).

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 explanation given at the hearing by the MassHealth representative. 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.

Kimberly Scanlon
Hearing Officer
Board of Hearings

cc:

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