

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2307940
Decision Date:	11/29/2023	Hearing Date:	10/05/2023
Hearing Officer:	Kimberly Scanlon		

Appearance for Appellant:

Via telephone

 Spouse

Appearance for MassHealth:

Via telephone

Lorena Garcia



*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; Renewal; Household Size; Over income
Decision Date:	11/29/2023	Hearing Date:	10/05/2023
MassHealth's Rep.:	Lorena Garcia	Appellant's Rep.:	Spouse
Hearing Location:	Tewksbury MassHealth Enrollment Center Room 3 (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 19, 2023, MassHealth downgraded the Appellant's MassHealth benefits from MassHealth CarePlus to Health Safety Net because MassHealth determined that the Appellant did not complete the annual eligibility renewal in a timely manner. The notice further states that the Appellant's income is over the allowable income limits for a household size of one (1). (Exhibit 1). The Appellant filed this appeal in a timely manner on September 6, 2023. (130 CMR 610.015(B); Exhibit 2). Reduction of assistance is valid grounds for appeal. (130 CMR 610.032).

Action Taken by MassHealth

MassHealth downgraded the Appellant's MassHealth benefits from CarePlus to Health Safety Net.

Issue

The appeal issue is whether MassHealth was correct in downgrading the Appellant's benefits from

Summary of Evidence

The MassHealth representative appeared at the hearing *via* telephone and testified as follows: all members were required to submit annual eligibility renewals or prepopulated applications when COVID protections ended. The Appellant submitted his prepopulated application to MassHealth in July of 2023. His application did not contain this signature though. MassHealth mailed the Appellant a signature page to be completed and returned. The MassHealth representative explained that the Appellant did not submit the signature page back to MassHealth. MassHealth subsequently downgraded the Appellant's health care benefits from MassHealth CarePlus to Health Safety Net. (Exhibit 1).

The Appellant's representative appeared at the hearing telephonically and testified that the Appellant already submitted the signature page to MassHealth. Upon further inquiry, she explained that the Appellant mailed the signature page to MassHealth approximately two (2) weeks prior to the hearing. She further explained that the Appellant never received a complete application to be submitted. In response, the MassHealth representative testified that she received a prepopulated application from the Appellant. She explained that a prepopulated application already has the information for the member, with the option to update or make any changes to the information contained therein. The MassHealth representative testified that MassHealth did not receive the Appellant's completed signature page. The Appellant's representative testified that she submitted the signature page to MassHealth on behalf of the Appellant. She explained that the signature page contained her signature and the Appellant's signature. The MassHealth representative testified that after further research, MassHealth did receive the Appellant's signature page and apologized to the Appellant's representative. The MassHealth representative then explained that the Appellant was listed as a household size of 1, however, because the Appellant is married and living with his spouse, he is considered as a household size of 2. She then confirmed the Appellant's contact information and made inquiry as to whether the Appellant and his spouse file their taxes jointly. The Appellant's representative testified that taxes are filed separately. The MassHealth representative next inquired about the Appellant's employment and gross income information before taxes. The Appellant's representative confirmed the Appellant's employment and gross income. She explained that the Appellant's spouse does not currently receive any income. The MassHealth representative testified that based upon the information given, the Appellant's household income still exceeds 133% limit of the Federal Poverty Level (hereinafter "FPL") by 153.24%. She testified that the Appellant can opt to enroll in a health care plan through the Health Connector.¹ Additionally, the Appellant is eligible for Health Safety Net benefits, which covers emergency services at hospitals and community-based centers². The Appellant's representative testified that she would contact the

¹ The telephone number to contact the Health Connector is 1-877-623-6765.

² The telephone number to contact the Health Safety Net is 1-877-910-2100.

Health Connector and the Health Safety Net.

Findings of Fact

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

1. The Appellant is under the age of 65 and a MassHealth recipient. (Exhibit 3).
2. On July 19, 2023, MassHealth sent a downgrade notice to the Appellant after determining that his annual eligibility renewal was not completed, and his verified income for a household of 1 exceeds the allowable income limits to receive MassHealth benefits. (Testimony; Exhibit 1).
3. The Appellant timely appealed on or about September 6, 2023. (Exhibit 2).
4. The Appellant submitted his prepopulated application and the requested signature page to MassHealth. (Testimony).
5. The Appellant is married and resides with his spouse. (Testimony).
6. The Appellant's income for a household size of 2 exceeds the FPL to receive MassHealth benefits. (Testimony).
7. The Appellant is eligible for a health care plan through the Health Connector. (Testimony).
8. The Appellant is also eligible for Health Safety Net benefits for emergency services. (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 MassHealth representative testified that the Appellant is eligible for a health care plan through the Health Connector. The Appellant is also eligible for Health Safety Net benefits which cover emergency services. The Appellant's representative testified that she would contact the Health Connector and Health Safety Net. 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. Any subsequent MassHealth notices issued to the Appellant may be separately appealed.

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