

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Approved	Appeal Number:	2308080
Decision Date:	10/2/2023	Hearing Date:	09/25/2023
Hearing Officer:	Susan Burgess-Cox		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Alysia Campbell & Lindsey Marek



*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; Over 65
Decision Date:	10/2/2023	Hearing Date:	09/25/2023
MassHealth's Reps.:	Alysia Campbell & Lindsay Marek	Appellant's Rep.:	Pro se
Hearing Location:	All Parties Appeared by 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 27, 2023, MassHealth notified the appellant that she was not eligible for MassHealth as she did not return the eligibility review form to MassHealth. (130 CMR 502.007; 516.006; Exhibit 1). The appellant filed an appeal in a timely manner on September 7, 2023. (130 CMR 610.015). Denial of assistance is valid grounds for appeal. (130 CMR 610.032).

Action Taken by MassHealth

MassHealth determined that the appellant was not eligible for MassHealth as she did not return the eligibility review form to MassHealth.

Issue

Whether MassHealth was correct in determining that the appellant was not eligible for failure to provide the eligibility review form to MassHealth.

Summary of Evidence

The appellant is [REDACTED] years of age or older. The appellant was eligible for the Buy-In program and

underwent an eligibility review. MassHealth sent the appellant an eligibility review form with a due date of July 22, 2023. MassHealth did not receive a completed review form from the appellant on or before the due date. On July 27, 2023, MassHealth issued the notice on appeal stating that the appellant's coverage would end as of August 31, 2023 because she did not return the eligibility review form to MassHealth.

On September 7, 2023, the appellant submitted an eligibility review form to MassHealth and filed a timely appeal. Upon receipt of the eligibility review form, MassHealth determined it needed additional information necessary to determine eligibility. On September 11, 2023, MassHealth sent the appellant a notice requesting additional information. Prior to the hearing, the appellant provided some of the additional information to MassHealth. However, as of the date of the hearing, MassHealth had not received all of the information necessary to determine eligibility. Both parties acknowledged that the appellant still had time to provide that information as the deadline listed on the request for information was after the date of the hearing.

At the hearing, the MassHealth representative acknowledged that the issue on appeal was resolved as the agency received the eligibility review form. However, because the agency received the eligibility review form after the coverage end date, MassHealth determined that they could not process the eligibility review honoring the original date and possibly eliminate any gap in coverage.

The appellant testified that she was away for the month of July so did not receive the eligibility review form until she returned. The appellant testified that she thought she provided MassHealth with all of the information necessary to determine eligibility during the course of the appeal. The appellant stated that she would continue to work with MassHealth to provide the necessary information before the deadline listed on the information request issued on September 11, 2023.

Findings of Fact

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

1. The appellant is [REDACTED] years of age or older.
2. MassHealth issued an eligibility review form with a due date of July 22, 2023.
3. On July 27, 2023, MassHealth notified the appellant that her coverage was ending as of August 31, 2023 because she did not return the eligibility review form.
4. On September 7, 2023, the appellant submitted an eligibility review form to MassHealth.
5. MassHealth received the review form and issued a request for information on September 11, 2023.

6. As of the date of the hearing, MassHealth received some but not all of the information listed on the Request for Information form.
7. As of the date of the hearing, the appellant still had time to provide information listed on the Request for Information form.

Analysis and Conclusions of Law

MassHealth reviews eligibility once every 12 months. (130 CMR 516.007(A)). 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. (130 CMR 516.007(A)). MassHealth updates eligibility based on information received as the result of such review. (130 CMR 516.007(A)).

MassHealth 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. (130 CMR 516.007(A)).

MassHealth 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. (130 CMR 516.007(B)).

MassHealth reviews eligibility in variety of ways including an automatic renewal and a renewal application. (130 CMR 516.007(C)). If an 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. (130 CMR 516.007(C)(2)). MassHealth will notify the member of the need to complete the MassHealth eligibility review form. (130 CMR 516.007(C)(2)(a)). The member will be given 45 days from the date of the request to return the paper MassHealth eligibility review form. (130 CMR 516.007(C)(2)(b)). 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. (130 CMR (C)(2)(b)1.) If the review is not completed within 45 days, eligibility will be terminated within 14 days from the date of the termination notice. (130 CMR 516.007(C)(2)(b)2.)

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. (130 CMR 516.007(C)(2)(b)3.). Eligibility

may be established retroactive to the date of termination, if otherwise eligible. (130 CMR 516.007(C)(2)(b)3.). In this case, the appellant submitted the review form on September 7, 20203 which was within 30 days from the date of termination, August 31, 2023. Therefore, MassHealth should continue to process the review with the possibility of establishing eligibility retroactive to the date of termination, if otherwise eligible. (130 CMR 516.007(C)(2)(b)3.). The decision made by MassHealth was not correct. This appeal is approved.

Even if the appellant had not submitted the review form within 30 days from the date of the termination, the appellant filed an appeal. The regulations governing the fair hearing process state that the effective date of any adjustments to a member's eligibility is the date on which all eligibility conditions are met, regardless of when the supporting evidence was submitted. (130 CMR 610.071(A)(2). As the appellant presented supporting evidence regarding the submission of an eligibility review form during the course of the appeal, MassHealth shall continue to process the eligibility review as if it was received within the time period listed on the original request. As noted above, this appeal is approved.

Order for MassHealth

Rescind the notice on appeal and continue to process the eligibility review if it was received within the time period listed on the initial request.

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.

Susan Burgess-Cox
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Dori Mathieu, Springfield MassHealth Enrollment Center, 88 Industry Avenue, Springfield, MA 01104, 413-785-4186