

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision: Denied

Appeal Number: 2308218

Decision Date: 11/14/2023

Hearing Date: 10/05/2023

Hearing Officer: Alexis Demirjian

Record Open to: 10/20/2023

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Taylor Edwards, 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:	Denied	Issue:	Termination of Coverage; TMA
Decision Date:	11/14/2023	Hearing Date:	10/05/2023
MassHealth's Rep.:	Ms. Edwards	Appellant's Rep.:	Pro se
Hearing Location:	Telephonic	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 2, 2023, MassHealth downgraded the appellant from MassHealth Standard to Health Safety Net because the appellant had benefits through a program called Transitional Medical Assistance (TMA) had ended. (see 130 CMR 505.002 (L)(5) and Exhibit 3). The appellant filed this appeal in a timely manner on September 12, 2023. (see 130 CMR 610.015(B) and Exhibit 2). Scope and determination of services are valid grounds for appeal before the Board of Hearings. (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth downgraded the appellant from MassHealth Standard to Health Safety Net.

Issue

The appeal issue is whether MassHealth was correct in determining that the Transitional Medical Assistance period had ended.

Summary of Evidence

The appellant received MassHealth coverage through a program called Transitional Medical Assistance known as (“TMA”). On July 15, 2022, the appellant began a job and updated his new salary which was \$1228 bi-weekly. In September 2022, the appellant stopped receiving cash assistance through the Department of Transitional Assistance (“DTA”). On February 13, 2022, the appellant received a notice from MassHealth stating based on information from the Supplemental Nutrition Assistance Program (SNAP), MassHealth was continuing to approve MassHealth Standard for the appellant and his household.

In May of 2023, the appellant was informed that his coverage would end on July 31, 2023, because the appellant’s income or household circumstances had changed. The notice listed the twelve-month period of TMA extended coverage as July 15, 2022 through July 31, 2023. The letter also informed the appellant that he would receive a TMA change form approximately two months before the TMA coverage ends to determine whether he would be able to keep his MassHealth benefits after the TMA coverage ended.

On August 2, 2023, MassHealth notified that it had downgraded the appellant from MassHealth Standard to MassHealth Safety Net because the appellant’s TMA period has ended, pursuant to 130 CMR 505.002 (L)(5).

A record open period was granted for MassHealth to review and submit additional information related to the change of income in July of 2022.

MassHealth responded and included a screen shot that indicated that the appellant reported his income change on July 15, 2022. Accordingly, MassHealth argues that the 12-month period allowed by TMA began on that date and thus the appellant was no longer covered under the TMA protection because the 12-month extended period concluded on July 31, 2023.

The appellant was allowed time to respond to MassHealth’s position but did not respond.

Findings of Fact

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

1. The appellant received MassHealth coverage through Transitional Medical Assistance (TMA). Testimony.
2. On July 15, 2022, the appellant updated his income to \$1228 bi-weekly. (See Exhibit 6)
3. On or about September 2022, the appellant stopped receiving cash assistance from DTA. (Testimony)

4. In May of 2023, the appellant was informed that his coverage would end on July 31, 2023, and notified that he should complete a TMA change form two months before TMA coverage ends to determine whether he was eligible for MassHealth. (Exhibit 5)

5. In August of 2023, the appellant received a notice that his MassHealth benefits had been downgraded to Health Safety Net because the 12-month extended TMA period had ended. (Exhibit 3)

Analysis and Conclusions of Law

MassHealth members who are members of an EAEDC or TAFDC household may be eligible to receive extended MassHealth benefits under 130 CMR 505.002 L.

Under 130 CMR 505.002 (L) (5), if an individual in a MassHealth MAGI household who receives MassHealth under 130 CMR 505.002(L)(1) or (2) had income at or below 133% of the FPL during their extended period, and now has income including earnings that raise the MassHealth MAGI modified adjusted gross income above that limit, the MassHealth MAGI household is eligible for another full 12-calendar-month period that begins with the date on which the member's MAGI exceeds 133% of the federal poverty level (FPL) if:

- (a) The MassHealth household continues to include a child younger than 19 years living with the parent or caretaker;
- (b) A parent or caretaker relative continues to be employed; and
- (c) The parent or caretaker relative complies with 505.002(M)

Based on the initial report of income change on July 15, 2022, it is MassHealth's position that the downgrade of benefits on August 2, 2023 is appropriate. Pursuant to 130 CMR 505.002 (L) (5) the appellant was allowed twelve months of extended coverage commencing with the report of the income change on July 15, 2022.

Under the protections of the Federal Public Health Emergency ("FPHE") MassHealth was required to maintain coverage, through the end of the month in which the FPHE ended. Only in limited circumstances could MassHealth terminate coverage, specifically if a member requested termination of the benefit, the member was no longer a resident of Massachusetts or deceased. See EOM 22-10

Guidance around the wind-down of the FPHE provided that "Members who were protected from coverage loss or downgrade during the FPHE will not be subject to adverse action on their case after the FPHE ends until they go through a full MassHealth renewal after the FPHE ends."

See EOM 22-10.

Here the appellant received MassHealth through the TMA program. His reported income in July of 2022 triggered a change that resulted in 12 months of extended coverage consistent with the regulation governing TMA. Thus, the appellant did not fall under protections granted by the FPHE because he had continued coverage pursuant to 130 CMR 505.002 (L) through July 31, 2023.

Since the appellant's extended coverage was protected by TMA and not protected under the FPHE, the August 2, 2023 downgrade was appropriate. For those reasons, this appeal is DENIED.

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.

Alexis Demirjian
Hearing Officer
Board of Hearings

cc:

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