

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2309799
Decision Date:	1/2/2024	Hearing Date:	11/28/2023
Hearing Officer:	Patricia Mullen		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Faisal Mugimu, Charlestown 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:	Start date
Decision Date:	1/2/2024	Hearing Date:	11/28/2023
MassHealth's Rep.:	Faisal Mugimu, Charlestown MEC	Appellant's Rep.:	Pro se
Hearing Location:	Charlestown MassHealth Enrollment Center (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 16, 2023, MassHealth approved the appellant's application for MassHealth Standard benefits with a start date of July 22, 2023. (see 130 CMR 505.002; 502.006 and Exhibit 1). The appellant filed this appeal in a timely manner on October 16, 2023 disputing the MassHealth start date. (see 130 CMR 610.015(B) and Exhibit 2). Dispute of MassHealth start date is valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth approved the appellant for MassHealth Standard with a start date of July 22, 2023.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 505.002; 502.006, in determining that the start date for the appellant's MassHealth Standard case is July 22, 2023.

Summary of Evidence

The appellant appeared telephonically at the hearing and verified her identity. MassHealth was represented telephonically by a worker from the MassHealth Enrollment Center (MEC) in Charlestown. the MassHealth representative stated that the appellant submitted an application to MassHealth on July 3, 2023, but it was missing critical data and could not be processed by MassHealth. The MassHealth representative stated that the appellant then called MassHealth on August 1, 2023 and completed the application over the phone. The MassHealth representative state that the appellant was approved for MassHealth Standard by notice dated August 16, 2023 with a start date 10 days retroactive from the August 1, 2023 application date, which was July 22, 2023. The MassHealth representative stated that the appellant was previously open on a MassHealth case with her spouse and children and the spouse was head of household on the case. The MassHealth representative stated that the appellant's spouse called on June 14, 2023 to remove the appellant from the case. The MassHealth representative stated that the termination notice was sent to the address on file. The MassHealth representative stated that the appellant's MassHealth coverage terminated on June 14, 2023. (Exhibit 4).

The appellant stated that she was under her spouse's case, but they are in divorce proceedings and she is living at a different address. The appellant stated that she owns her home and has lived there since 2017, with the spouse moving out in 2021. The appellant stated that she lives in the home with her two minor children. The MassHealth representative stated that the children are open on MassHealth with no gap in coverage. The appellant stated that she believes the MassHealth notices were going to her spouse's address. The appellant stated that she thought she faxed requested information timely. The appellant noted that she recently started a part time job and would send verification of updated income to MassHealth. MassHealth currently has the appellant's income as \$0. (Exhibit 1). The appellant stated that her pharmacy told her in May, 2023 that she was no longer covered by MassHealth. The appellant stated that she contacted her divorce attorney and learned that the MassHealth notifications were going to her spouse's address. The appellant noted that her spouse requested her personal information to apply for MassHealth for the current year but she declined to provide him with information. (Exhibit 2, p. 3). The appellant stated that she believes her spouse tried to apply for MassHealth, even though he reported to the Probate Court, annual earnings of over \$300,000.00. (Exhibit 2, p. 3).

Findings of Fact

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

1. The appellant submitted an application to MassHealth on July 3, 2023, but it was missing critical data and could not be processed by MassHealth.
2. The appellant then called MassHealth on August 1, 2023 and completed the application over the phone.

3. The appellant was approved for MassHealth Standard by notice dated August 16, 2023 with a July 22, 2023 start date.
4. The appellant was previously open on a MassHealth case with her spouse and children; the spouse called on June 14, 2023 to remove the appellant from the case and the appellant's MassHealth Standard case was terminated June 14, 2023.
5. Prior to August 1, 2023, MassHealth notices was sent to the appellant's spouse's address, which was the only address in the system.
6. The appellant owns her home and has lived there since 2017, with the spouse moving out in 2021.
7. The appellant lives in the home with her two minor children.
8. The appellant's children are open on MassHealth with no gap in coverage.
9. MassHealth currently has the appellant's income as \$0, but she recently started a part time job.
10. The appellant's pharmacy told her in May, 2023 that she was no longer covered by MassHealth.

Analysis and Conclusions of Law

Start Date of Coverage for Applicants.

For individuals applying for coverage, the date of coverage for MassHealth is determined by the coverage type for which the applicant may be eligible. 130 CMR 505.000: Health Care Reform: MassHealth: Coverage Types describes the rules for establishing this date, except as specified in 130 CMR 502.003(E)(1), (F)(2), and (H)(2).

(1) The start date of coverage for individuals approved for benefits under provisional eligibility is described at 130 CMR 502.003(E)(1).

(2) The start date of coverage for individuals who do not meet the requirements for provisional eligibility, as described at 130 CMR 502.003(E)(2)(a), is described at 130 CMR 502.006(A)(2)(a) through (c), except individuals described at 130 CMR 502.006(C).

(a) For individuals who submit all required verifications within the 90-day time frame, the start date of coverage is determined upon receipt of the requested verifications and coverage begins ten days prior to the date of application, except as specified in 130 CMR 506.006(C).

(b) For individuals who fail to provide verifications of information within 90 days of the receipt of the MassHealth agency's request and the MassHealth agency used information received from electronic data sources to determine eligibility, the start date of coverage is determined upon the agency's eligibility determination and coverage begins ten days prior to the date of application, except as specified in 130 CMR 502.006(C).

(c) For individuals denied for failure to provide verification of requested information who then provide requested verifications or report changes after the denial, the start date of coverage is ten days prior to the date of receipt of all requested verifications or a reported change, except as specified in 130 CMR 502.003(D)(2)(d) and 502.006(C).

(130 CMR 502.006(A)).

Responsibility to Report Changes. The applicant or member must report to the MassHealth agency, within ten days or as soon as possible, changes that may affect eligibility. Such changes include, but are not limited to, income, the availability of health insurance, and third-party liability.

(130 CMR 501.010(B)).

Neither the appellant nor spouse ever reported that the appellant and children were no longer living at the same address as the appellant's spouse, who was head of household for the MassHealth case. The appellant's spouse's income would have made the family ineligible for MassHealth Standard. MassHealth had no way of knowing that the appellant was not receiving notices because the household address reported to MassHealth was different from the one where the appellant resided.

The appellant stated that she learned that her MassHealth had terminated in May, 2023, however her MassHealth was not terminated until June 14, 2023. Despite believing that her MassHealth terminated in May, 2023, the appellant did not apply for MassHealth until July 3, 2023. The July 3, 2023 application was missing critical data and the completed application was submitted on August 1, 2023. MassHealth Standard was approved with a start date 10 days retroactive from the date of application, pursuant to 130 CMR 502.006. MassHealth correctly determined the start date of July 22, 2023. MassHealth's determination is upheld and the 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.

Patricia Mullen
Hearing Officer
Board of Hearings

cc: MassHealth Representative: Nga Tran, Charlestown MassHealth Enrollment Center, 529
Main Street, Suite 1M, Charlestown, MA 02129