

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Dismissed in part; Approved in part	Appeal Number:	2311020
Decision Date:	12/8/2023	Hearing Date:	12/06/2023
Hearing Officer:	David Jacobs	Record Open to:	

Appearances for Appellant:




Appearances for MassHealth:

Luise Cabral, MEC Worker
Karishima Raja, Premium Billing



*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 in part; Approved in part	Issue:	Eligibility; Past-due Premiums
Decision Date:	12/8/2023	Hearing Date:	12/06/2023
MassHealth Rep:	Luise Cabral	Appellant's Rep.:	
Hearing Location:	Remote		

Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder.

Jurisdiction

Through notice dated October 27, 2023, MassHealth notified the appellant that she is not eligible for MassHealth benefits because she has past due premiums (Exhibit 1). The appellant timely appealed this notice on November 6, 2023. The denial of assistance is valid grounds for appeal (130 CMR 610.032(A)).

Action Taken by MassHealth

MassHealth notified the appellant that she is not eligible for MassHealth benefits because she has past due premiums.

Issue

The appeal issue is whether MassHealth was correct in determining that the appellant is not eligible for MassHealth benefits.

Summary of Evidence

The MassHealth representative participated virtually and provided some background information. She explained that the appellant is a disabled minor that was found eligible for MassHealth CommonHealth with a monthly premium of \$357.00 on July 10, 2023 (Exhibit 4). The appellant's parents withdrew her eligibility for MassHealth benefits on November 8, 2023, but has not paid premiums for the months of August, September, October, and November 2023. The total amount due is \$1,428.00 for these four months. The appellant was sent the notice on appeal on October 27, 2023, informing the appellant that she is no longer eligible for benefits due to the unpaid premiums (Exhibit 1).

The appellant's parents appeared virtually and conceded to the facts as described by MassHealth. However, they stressed that were misled by their providers about what the MassHealth benefits were for. The appellant's mother testified that she has private insurance for her daughter and intended to use MassHealth as a secondary insurance to cover copays. She testified that her providers made her believe that MassHealth was free insurance and was surprised when her family received the premium bills. She testified that the copays she hoped for MassHealth to cover were less than the \$357.00 premium which made it a detriment to maintain the benefit. She and her husband stressed that they had spent several hours in phone calls with MassHealth trying to get this situation understood but received conflicting information from MassHealth representatives about the facts and what to do. Since then, the appellant's parents cancelled the appellant's benefits on November 8, 2023. They no longer want MassHealth benefits for their daughter and want the past due premiums to be removed. They offer three arguments for why they believe the premiums should be removed.

First, the appellant's parents argue generally that the whole process of receiving MassHealth benefits was confusing, and they were unaware of the assessment of the \$357.00 premium. MassHealth responded that the assessment of the \$357.00 premium was included in the July 10, 2023 notice granting the appellant the initial CommonHealth benefits (Exhibit 4). Second, the parents argued that they attempted to cancel the appellant's benefits on September 14, 2023 via a phone call with MassHealth, but were given conflicting information about whether they could do that or not. The MassHealth representative confirmed the appellant made such a call to MassHealth on September 14, 2023 and read notes into the record from the phone representative who took the call (Exhibit 5). The MassHealth representative argued that the notes suggest the appellant inquired about cancelling the appellant's benefits but did not actually effectuate it through that call. Moreover, MassHealth argued that the cancellation was untimely as the appellant has 60 days from the receipt of benefits to withdraw eligibility in order to not be responsible for paying a prescribed premium. Since the 60-day deadline for withdrawal was September 10, 2023, the September 14, 2023 withdrawal was untimely. However, the hearing officer posited that he had heard MassHealth refer to an extension of the withdrawal timeframe from 60-days and 90-days due to COVID-19 and committed to researching the question. After

researching the matter though the hearing officer found that there had been no such extension to the 60-day cancellation period created by COVID-19. Finally, the appellant's parents produced a letter on camera from MassHealth that is sent to people who are found eligible for MassHealth Standard about how to find a provider. The appellant's parents concede the letter is undated and does not identify who, if anyone, received MassHealth Standard benefits. The MassHealth representative responded that there are no records of the appellant ever receiving MassHealth Standard and without a date she is unable to look up the specifics of that letter.

Findings of Fact

1. On July 10, 2023, MassHealth notified the appellant that she was eligible for MassHealth CommonHealth benefits, effective June 30, 2023, with a monthly premium of \$357.00.
2. On September 14, 2023, more than 60 days after receiving the eligibility letter, the appellant's parents attempted to cancel the appellant's benefits.
3. The appellant is past due on premium payments for August, September, October, and November 2023 for a total of \$1,428.00.
4. On October 27, 2023, the appellant received the notice on appeal denying the appellant benefits for non-payment of premiums.
5. On November 6, 2023, the appellant's parents appealed the October 27 notice.
6. On November 8, 2023, the appellant's parents withdrew the appellant's eligibility for benefits.

Analysis and Conclusions of Law

In this case, the appellant's parent disputes MassHealth's assessment of August through November 2023 premiums related to their minor child's MassHealth CommonHealth coverage. The notice advising the appellant of her coverage and of the premium, however, was dated July 10, 2023 (Exhibit 4). Because the appellant did not timely appeal this notice, the hearing officer has no jurisdiction to adjudicate the matter. Therefore, the appellant's arguments for eliminating all past due premiums cannot be considered and the appeal as to this issue is dismissed (130 CMR 510.035(A)(1)).¹

¹ The appellant should note the following regarding his responsibility for the assessed premium charges for June 2023. Per 130 CMR 506.011(C)(5), "[i]f the member contacts the MassHealth agency by telephone, in writing, or online and requests a voluntary withdrawal within 60 calendar days from the date of the

The hearing officer does have jurisdiction over the notice that was timely appealed; a notice dated October 27, 2023, in which MassHealth determined that the appellant is not eligible for MassHealth benefits because she has past due premiums (Exhibit 1). The notice lists November 10, 2023 as the date of termination of coverage (Exhibit 1). However, based on the evidence presented during the hearing, that date is found to be incorrect. The appellant's father testified that he fully intended to cancel the appellant's benefits due to the high premium when he called MassHealth on September 14, 2023. The notes that MassHealth submitted into the record from that call representative support the appellant's father's argument (Exhibit 5). The notes say that "he asked if he can cancel" but is then unclear why MassHealth educated him on cancelling rather than just cancelling (Exhibit 5). The MassHealth representative argued that appellant's father did not fully effectuate his cancellation during this phone call but did not offer detailed testimony for why that was. Both the father's testimony and notes persuasively suggest that a desire to cancel the appellant's benefits was communicated to MassHealth during that call. Therefore, it is found that the appellant withdrew the appellant's benefits on September 14, 2023. The date of termination of benefits is changed to have ended on September 28, 2023 (130 CMR 516.006(B)). Moreover, the premium bills for October and November are canceled (130 CMR 506.011(H)). The new total the appellant is responsible to pay is \$714.00 for the premium bills for August and September 2023 (130 CMR 506.011(H)).

Finally, the appeal is dismissed as to the matter of the termination of benefits for non-payment of past due premiums as the appellant's parents agree with this outcome and actively have sought to terminate the appellant's benefits (130 CMR 610.035(A)(8)).

Order for MassHealth

Cancel the premium bills for October 2023 and November 2023 and change the total premium amount due to \$714.00.

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

eligibility notice and premium notification, MassHealth premiums are waived." Otherwise, the member is responsible for the payment of all premiums up to and including the calendar month of withdrawal (130 CMR 506.011(H)).

receipt of this decision.

David Jacobs
Hearing Officer
Board of Hearings

cc: Quincy MEC

Premium Billing