

**Office of Medicaid
BOARD OF HEARING**

Appellant Name and Address:



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|-------------------------|---------------|------------------------|------------|
| Appeal Decision: | Approved | Appeal Number: | 2311909 |
| Decision Date: | 4/29/2024 | Hearing Date: | 12/21/2023 |
| Hearing Officer: | Scott Bernard | Record Open to: | 04/16/2024 |

Appearance for Appellant:

Pro se via telephone

Appearance for MassHealth:

Sarah Sardella (Quincy MEC) *via telephone*

Interpreter:



*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

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|---------------------------|---------------------|--------------------------|------------------------|
| Appeal Decision: | Approved | Issue: | Under 65/Verifications |
| Decision Date: | 4/29/2024 | Hearing Date: | 12/21/2023 |
| MassHealth's Rep.: | Sarah Sardella | Appellant's Rep.: | <i>Pro se</i> |
| Hearing Location: | Quincy Harbor South | 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

On October 18, 2023, MassHealth issued a request for completed application, because it was unable to process her application due to missing information. (See 130 CMR 502.001 and Exhibit (Ex.) 1). The appellant filed this appeal in a timely manner on November 20, 2023. (See 130 CMR 610.015(B) and Ex. 2). Failure to process an application is valid grounds for appeal (see 130 CMR 610.032). The record remained open until April 16, 2024 to allow the appellant to submit further information at which time it closed. (Ex. 5).

Action Taken by MassHealth

MassHealth notified the appellant that it could not determine her eligibility because she submitted an incomplete application.

Issue

The appeal issues are whether MassHealth was correct, pursuant to 130 CMR 502.001, in determining that the appellant had not submitted a complete application.

Summary of Evidence

MassHealth was represented by a worker from the Quincy MassHealth Enrollment Center (MEC) and the appellant represented herself. At the appellant's request, BOH arranged for interpretation in the appellant's preferred language. All individuals appeared at the hearing by telephone.

The MassHealth representative testified to the following. The appellant is an individual between the ages of [REDACTED] years old. (Testimony; Ex. 3). On September 27, 2023, MassHealth received the appellant's prepopulated renewal application. (Testimony). The application was missing several key pieces of information. (Testimony). The appellant had not included information concerning her income and immigration status, and had not signed or dated the application. (Testimony). This was the reason MassHealth issued the notice dated October 18, 2023. (Testimony; Ex. 1). Prior to the hearing, the appellant submitted proof of her income and immigration status. (Testimony). The appellant, however, had not yet signed and dated her application, or submitted a signed and dated signature page. (Testimony).

The appellant testified that if the MassHealth representative sent her the paperwork, she would sign the paperwork and return it to her. (Testimony). The MassHealth representative stated that the appellant just needed to sign and date the signature page, which is page 55 of the application, and return that to her. (Testimony). The record was left open to allow the appellant to submit the signature page of the application, but the appellant did not submit any further information. (Ex. 5).

According to the Medicaid Management Information Systems (MMIS) screen in the record, the appellant is open on MassHealth Standard under a TAFDC case and is open on MassHealth Limited. Her MassHealth cases were not closed by the Request for Completed Application dated October 18, 2023. (Exhibit 3)

Findings of Fact

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

1. The appellant is an individual between the ages of [REDACTED] years old. (Testimony; Ex. 3).
2. On September 27, 2023, MassHealth received the appellant's prepopulated renewal application. (Testimony).
3. The application was missing several key pieces of information. (Testimony).
4. The appellant had not included information concerning her income and immigration status, and had not signed or dated the application. (Testimony).
5. On October 18, 2023, MassHealth notified the appellant that it could not determine her eligibility because she had submitted an incomplete application. (Ex. 1; Testimony).

6. Prior to the hearing, the appellant submitted proof of her income and immigration status. (Testimony).
7. The appellant, however, had not yet signed and dated her submitted application or submitted a signed and dated application. (Testimony).
8. At the appellant's request, the record was left open for the appellant to submit the signature page of a MassHealth application. (Testimony).
9. The appellant did not submit anything further to MassHealth after the hearing. (Ex. 5).
10. The appellant's MassHealth Standard and Limited were not closed by the notice dated October 18, 2023.

Analysis and Conclusions of Law

To apply for MassHealth, an individual must file an application online at www.MAHealthConnector.org, complete a paper application, complete a telephone application, or apply in person at a MassHealth Enrollment Center (MEC). (130 CMR 502.001(A)). If a paper application is received at a MEC or a MassHealth outreach site and the applicant did not answer all required questions on the application or if the application is unsigned, MassHealth is unable to determine the applicant's eligibility for MassHealth coverage. (130 CMR 502.001(A)(4)(a)). The MassHealth agency requests responses to all of the unanswered questions necessary to determine eligibility and must receive such information within 15 days of the date of the request for the information. (130 CMR 502.001(A)(4)(b)). If responses to all unanswered questions necessary for determining eligibility are not received within the 15-day period referenced in 130 CMR 502.001(A)(4)(b), the MassHealth agency notifies the applicant that it is unable to determine eligibility for medical benefits. (130 CMR 502.001(A)(4)(d)).

The appellant submitted an incomplete application, which MassHealth received on September 27, 2023. According to MassHealth, the application was missing income information, including information concerning the appellant's income, immigration status, and a dated signature page. Prior to the hearing the appellant did submit proof of her income and her immigration status. The MassHealth representative stated that the appellant just needed to submit a dated signature page, and would send her a new application if the appellant was willing to sign and return the signature page. The MassHealth representative gave the appellant the location of the signature page in the application she would send, and stated that all the appellant needed to do was sign, date, and return that otherwise blank application. The appellant indicated that she was willing to do this, and the record remained open after the hearing to give her a chance to do so. (See 130 CMR 610.065; 610.071; 610.072; 610.081). Despite the appellant being given a good deal of time after the hearing to sign and date her application or sign, date, and submit a signature page from a separate application packet, MassHealth stated that it received no further information from the appellant. Without the appellant's signature, MassHealth is not able to determine the appellant's

eligibility for benefits. Because the notice dated October 18, 2023, at issue in this appeal, did not terminate the appellant's MassHealth benefits, MassHealth must issue such substantive notice before terminating benefits. If MassHealth still cannot determine eligibility, it should issue a termination notice. But for the purposes of this appeal, the appellant's Standard and Limited should remain open until further MassHealth notice.

For that reason, the appeal is APPROVED.

It is noted that a second appeal hearing was held on January 17, 2024 for this same appellant. The issue on appeal at that hearing was a MassHealth notice dated December 14, 2023, approving the appellant for MassHealth Limited. It is concerning that MassHealth did not testify to this notice at the December 21, 2023 hearing as it would've rendered the appeal issue before me moot.

Order for MassHealth

Appellant remains open on MassHealth Standard and Limited until MassHealth issues a termination notice.

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.

Scott Bernard
Hearing Officer
Board of Hearings

cc:

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