

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2312873
<b>Decision Date:</b>	1/17/2024	<b>Hearing Date:</b>	1/11/2024
<b>Hearing Officer:</b>	Thomas J. Goode		

**Appearance for Appellant:**  
Pro se with spouse

**Appearance for MassHealth:**  
Sherrienne Paiva, Taunton 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

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	Eligibility; Under 65
<b>Decision Date:</b>	1/17/2024	<b>Hearing Date:</b>	1/11/2024
<b>MassHealth's Rep.:</b>	Sherrienne Paiva	<b>Appellant's Rep.:</b>	Pro se with spouse
<b>Hearing Location:</b>	Remote	<b>Aid Pending:</b>	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 November 21, 2023, MassHealth approved Appellant for CarePlus coverage effective September 22, 2023 (130 CMR 505.008(E), 502.006(A)(2)(a) and Exhibit 1). Appellant filed this appeal in a timely manner on December 6, 2023 (130 CMR 610.015(B) and Exhibit 2). Notice of an eligibility start date is valid grounds for appeal (130 CMR 610.032).

### Action Taken by MassHealth

MassHealth approved Appellant for CarePlus coverage effective September 22, 2023.

### Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 505.008(E), 502.006(A)(2)(a) in determining Appellant's eligibility for CarePlus coverage effective September 22, 2023.

## Summary of Evidence

The MassHealth representative testified that Appellant applied for MassHealth benefits on October 2, 2023. Appellant is [REDACTED] years old and lives in a household of 2 with his spouse. MassHealth testified that Appellant was added to the household profile on October 2, 2023, and reported no income or disability, and has no recent MassHealth eligibility history. Appellant provided all eligibility verification on October 18, 2023. By notice dated November 21, 2023, MassHealth determined that Appellant was eligible for MassHealth CarePlus effective September 22, 2023, which is 10 days prior to the date of application.

Appellant appeared with his spouse who testified that Appellant was diagnosed with multiple sclerosis and incurred medical expenses on September 11, 2023, and owes \$1,482 (Exhibit 2, p. 3). Appellant requested that CarePlus coverage begin effective September 11, 2023 to cover medical expenses. Appellant's spouse added that she and Appellant were married in 2020, but he was not added to the MassHealth household profile until October 2, 2023 because he was covered on his mother's insurance. Appellant stated that he recently began employment and would report the change in income to MassHealth.

## Findings of Fact

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

1. On October 2, 2023 an application for MassHealth benefits was submitted by Appellant, and he was added to the MassHealth household profile with his spouse.
2. Appellant is [REDACTED] years old, lives in a household size of two with his spouse, is not disabled and reported no income.
3. Appellant provided all eligibility verification on October 18, 2023.
4. On November 21, 2023, MassHealth determined that Appellant is eligible for MassHealth CarePlus effective September 22, 2023, which is 10 days prior to the October 2, 2023 application.

## Analysis and Conclusions of Law

Appellant submitted an application to MassHealth on October 2, 2023. Appellant is 23 years old, is not disabled, and lives in a household size of two with his spouse. Appellant reported no income and no recent MassHealth eligibility history. Appellant and his spouse have been a married couple since 2020, but he was not added to the MassHealth household profile until the October 2, 2023

application. MassHealth correctly determined that Appellant is eligible for MassHealth CarePlus, and determined a September 22, 2023 coverage effective date which Appellant challenged due to medical expenses incurred prior to the eligibility start date.<sup>1</sup> The medical coverage date for MassHealth benefits is established according to the MassHealth coverage type (130 CMR 502.006).<sup>2</sup> The start date for MassHealth CarePlus is correctly determined in Appellant's case under 502.006(A)(2)(a) as described below.

#### 502.006: Coverage Dates

(A) 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)<sup>3</sup>, (F)(2)<sup>4</sup>, and (H)(2)<sup>5</sup>.

(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).<sup>6</sup>

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<sup>1</sup> Although Appellant did not challenge the coverage type, Appellant is not categorically eligible for a coverage type other than CarePlus. The MassHealth coverage types are set forth at 130 CMR 505.001(A) as follows: (1) MassHealth Standard – for people who are pregnant, children, parents and caretaker relatives, young adults, disabled individuals, certain persons who are HIV positive, individuals with breast or cervical cancer, independent foster care adolescents, Department of Mental Health (DMH) members, and medically frail as such term is defined in 130 CMR 505.008(F); (2) MassHealth CommonHealth – for disabled adults, disabled young adults, and disabled children who are not eligible for MassHealth Standard; (3) MassHealth CarePlus – for adults 21 through 64 years of age who are not eligible for MassHealth Standard; (4) MassHealth Family Assistance – for children, young adults, certain noncitizens, and persons who are HIV positive who are not eligible for MassHealth Standard, MassHealth CommonHealth, or MassHealth CarePlus; (5) MassHealth Limited – for certain lawfully present immigrants as described in 130 CMR 504.003(A): *Lawfully Present Immigrants*, nonqualified PRUCOLs, and other noncitizens as described in 130 CMR 504.003: *Immigrants*; and (6) MassHealth Medicare Savings Programs (MSP, also called Senior Buy-in and Buy-in) – for certain Medicare beneficiaries.

<sup>2</sup> See 130 CMR 505.008(E): The MassHealth CarePlus coverage start date is described at 130 CMR 502.006: *Coverage Dates*, except as described at 130 CMR 505.008(E)(2) which addresses provisional eligibility as described in 130 CMR 502.003(E).

<sup>3</sup> 502.003(E)(1),(2) address provisional eligibility criteria for applicants with outstanding corroborative information and do not apply to the facts at hand.

<sup>4</sup> 502.003(F)(2) addresses criteria and coverage start dates based on a reasonable opportunity to verify citizenship and identity or immigration status and does not apply to the facts at hand.

<sup>5</sup> There is no evidence that a presumptive determination of eligibility was made in accordance with 130 CMR 450.110 by a qualified hospital.

<sup>6</sup> See 130 CMR 502.006(C) for limitations, none of which apply to the facts at hand: MassHealth coverage start dates are subject to the following limitations. (1) The start date for Medicare premium payments for individuals determined eligible for MassHealth Standard, MassHealth CommonHealth, and MassHealth Senior Buy-in and Buy-

- (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).<sup>7</sup> (emphasis added)
- (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).

Accordingly, the start date for CarePlus based on a completed application submitted on October 2, 2023 is September 22, 2023. The MassHealth determination is correct; and the appeal is DENIED.

## Order for MassHealth

None.

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in is described at 130 CMR 505.002(O), 505.004(L), and 505.007. (2) The start date for Premium Assistance Payment for individuals eligible for MassHealth Standard, MassHealth CommonHealth, MassHealth Family Assistance, and MassHealth CarePlus is described at 130 CMR 506.012(F)(1)(d). (3) The start date for MassHealth CommonHealth for persons described at 130 CMR 505.004(C) who have been notified by the MassHealth agency that they must meet a one-time deductible have their medical coverage start date established in accordance with 130 CMR 506.009(E): *Notification of the Deductible*.

<sup>7</sup> 506.006(C) does not appear in the MassHealth regulations. A reading consistent with 502.006 points to 502.006(C) and limitations which do not apply to the facts at hand. See fn. 6.

## **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.

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Thomas J. Goode  
Hearing Officer  
Board of Hearings

cc:

MassHealth Representative: Justine Ferreira, Taunton MassHealth Enrollment Center, 21 Spring St., Ste. 4, Taunton, MA 02780