

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Approved in part	Appeal Number:	2313272
Decision Date:	3/22/2024	Hearing Date:	01/09/2024
Hearing Officer:	Scott Bernard	Record Open to:	01/19/2024

Appearance for Appellant:
Pro se via telephone

Appearance for MassHealth:
Berdine Viaud (Quincy MEC) *via telephone*



*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:	Approved in part	Issue:	Under 65/MassHealth Standard/Start Date
Decision Date:	3/22/2024	Hearing Date:	01/09/2024
MassHealth's Rep.:	Berdine Viaud	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

Through a notice dated December 4, 2023, MassHealth informed the appellant that she had been approved for MassHealth Standard beginning on November 24, 2023. (See 130 CMR 502.006 and Exhibit (Ex.) 1). The appellant filed this appeal in a timely manner on December 18, 2023. (See 130 CMR 610.015(B) and Ex. 2). Determination of the coverage start date is valid grounds for appeal. (See 130 CMR 610.032).

At the conclusion of the hearing, the record was left open until January 19, 2024 to allow the appellant to submit further evidence and for the MassHealth representative to respond after which time it closed. (Ex. 5).

Action Taken by MassHealth

MassHealth approved the appellant's MassHealth Standard coverage beginning November 24, 2023.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 502.006, in determining the coverage start date.

Summary of Evidence

According to the Medicaid Management Information System (MMIS), the appellant is an adult who is 21 through 64 years old. (Ex. 3). Beginning on November 24, 2023, the appellant began receiving MassHealth Standard benefits under Category 43, which means she is disabled and MassHealth pays her Medicare premium. (Id.). Prior to this, the appellant last received the same coverage from MassHealth from January 23, 2016 through March 3, 2018. (Id.). According to the notice under appeal, the appellant is the only member of the household. (Ex. 1).

In her fair hearing request, the appellant wrote that she applied for benefits on MassHealth's online website at the beginning of October for herself. (Ex. 2). This account had information for her husband, who has not lived in Massachusetts since 2018 and now resides in Arkansas. (Id.). The appellant incurred medical bills which she needed MassHealth to cover. (Id.). The appellant described the difficulty she had applying. (Id.). Since the appellant contacted MassHealth on October 3, she wanted MassHealth to cover the bills going back 90 days from that date. (Id.).

The appellant and a MEC worker from the Quincy MEC both appeared telephonically. The MassHealth representative contacted the appellant prior to the hearing. (Testimony). The appellant informed the MassHealth representative that she had been residing in another state since 2018. (Testimony). Prior to moving out of state, the appellant received MassHealth Standard, which closed on March 3, 2018. (Testimony; Ex. 3). The appellant contacted MassHealth on October 3, 2023 to report that she had moved back to Massachusetts and wanted to have her MassHealth reopened. (Testimony). From what the MassHealth representative could tell from the documentation available to her, the appellant's call started with customer service and then the appellant was transferred to a MEC. (Testimony). There no notes indicating what the MEC worker told the appellant during that call. (Testimony). The MassHealth representative stated that what should have happened at this point was that once the appellant attested that she was a Massachusetts resident, the MEC worker should have removed the appellant's closure. (Testimony). This would have caused MassHealth to rerun the appellant's case and determine what further information the appellant would be required to submit. (Testimony). Instead, it appeared that the MEC worker told the appellant that before anything further could be done, she needed to submit proof of residency. (Testimony).

On October 26, 2023, the appellant did submit her proof of residency, though MassHealth had not sent her a notice telling her to do so. (Testimony). The MassHealth representative did not think that the appellant understood that her coverage was still inactive. (Testimony). The appellant next contacted MassHealth on December 4, 2023, more than two months after her first call. (Testimony). The MEC worker she spoke to at that point removed the closure to her case. (Testimony). The appellant reported that she was no longer married, and that her ex-spouse was not residing in Massachusetts. (Testimony). The MEC worker entered these changes to the appellant's household, and MassHealth then sent the approval notice on December 4, 2023. (Testimony; Ex. 1).

The MassHealth representative stated that the appellant's approval was needlessly delayed by two months because a MEC worker mistakenly did not remove the closure of the appellant's case when she called in on October 3. (Testimony). It was likely that the appellant would have provided the necessary information on that date and that date should have been the basis for the start date. (Testimony).

The appellant confirmed the MassHealth representative's testimony was correct. (Testimony). The appellant added that she had first tried to apply online at the beginning of October but was locked out of the system because there were too many email addresses associated with the account. (Testimony). The MassHealth representative explained that what may have happened was that the appellant attempted to access her former account which was under her ex-spouse's name. (Testimony).

The appellant stated that she did receive a request for proof of income request on October 27, 2023. The appellant submitted the proof of income on November 13, 2023 and had the fax receipt. (Testimony). The appellant stated that she would like further time after the hearing to submit the fax and the receipt as well as the notice which prompted her to send the fax. (Testimony). The appellant agreed to do so by January 16. (Testimony; Ex. 5). The MassHealth representative agreed to respond by January 19. (Testimony; Ex. 5).

After the hearing, the appellant submitted a photo of the first page of a notice from the Health Connector dated October 27, 2023 stating that they did not receive any documentation and requesting the appellant submit proof of income by January 1, 2024. (Ex. 6, p. 2). The appellant also submitted a fax cover page indicating that she submitted a fax of three pages on November 13, 2023 to the fax number for EDMC. (Ex. 6, p. 1). The fax cover page indicated the fax contained proof of the appellant's income. (Ex. 6, p. 1). The hearing officer then forwarded this record open submission to the MassHealth representative. (Ex. 7). The MassHealth representative emailed her response on January 18, 2024 stating "This letter was sent from the Health Connector 10/27/2023 when the member still had a closure on account. Member stated she called in on 10/03 to declare she is a MA resident again but no one from MEC removed the closure nor was the call documented in the notes section. The letter is asking for proof from the Health Connector system, and then Mass[H]ealth sent a letter with her MH coverage reinstated asking for proof of income not address. I still side with member and think the ball drop [occurred] when the call was transferred to [the] MEC." (Ex. 7).

Findings of Fact

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

1. The appellant is an adult who is 21 through 64 years old. (Ex. 3).
2. MassHealth approved the appellant for MassHealth Standard for disabled adults with a start date of November 24, 2023. (Ex. 1; Ex. 3).

3. The appellant was previously open on MassHealth Standard from January 23, 2016 through March 3, 2018. (Ex. 3).
4. The appellant is the only member of the household. (Ex. 1).
5. The appellant moved out of Massachusetts in 2018. (Testimony).
6. The appellant contacted MassHealth on October 3, 2023 to report that she had moved back to Massachusetts and wanted to have her MassHealth reopened. (Testimony).
7. The appellant's call started with customer service and then the appellant was transferred to a MEC. (Testimony).
8. There were no notes in the system indicating what the MEC worker told the appellant during that call. (Testimony).
9. MassHealth did not remove the closure on the appellant's case at this time. (Testimony).
10. On October 26, 2023, the appellant submitted her proof of residency to MassHealth, though MassHealth had not issued a request for that information. (Testimony).
11. On October 27, 2023, the Health Connector sent the appellant a notice they did not receive any documentation and requesting the appellant submit proof of income by January 1, 2024. (Ex. 6, p. 2; Ex. 7; Testimony).
12. The appellant sent EDMC a fax of three pages indicating that it was proof of her income. (Ex. 6, p. 1; Testimony).
13. The appellant next contacted MassHealth on December 4, 2023. (Testimony).
14. The MEC worker she spoke to on December 4 removed the closure to her case. (Testimony).
15. The appellant reported that she was no longer married, and that her ex-spouse was not residing in Massachusetts.
16. The MEC worker entered these changes and MassHealth then sent the notice on December 4, 2023 approving the appellant for MassHealth Standard beginning on November 24, 2023. (Testimony; Ex. 1).
17. The appellant needed MassHealth to cover medical bills incurred in the 90 days prior to October 3, 2023. (Ex. 2).

Analysis and Conclusions of Law

The medical coverage date for MassHealth Standard is described at 130 CMR 502.006: Coverage Dates, which states that for individuals who are not approved for benefits under provisional eligibility, and who are not pregnant or younger than 19 years old, and 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. (130 CMR 505.002(P)(1); 502.006(A)(2)(d)).

The record shows that prior to 2023, the appellant received MassHealth Standard from January 23, 2016 through March 3, 2018. The appellant did not reside in Massachusetts from 2018 through some point in 2023. On October 3, 2023, the appellant contacted MassHealth to report that she was again residing in Massachusetts and wanted her MassHealth to be reactivated. The record shows that during this call the appellant spoke with MassHealth Customer Service and then was transferred to a MEC, where she spoke with a MEC worker. The record is unclear as to what occurred during this call, particularly what information the MEC worker relayed to the appellant.

The October 3, 2023 phone call triggered MassHealth to start processing the appellant's case, because by notice dated October 27, 2023, the Health Connector requested verification of income. Furthermore, the appellant submitted proof of residency on October 26, 2023, thus it appears the MEC worker told the appellant that she was required to submit such proof. Additionally, the appellant submitted verifications to EDMC on November 13, 2023. When the appellant made her second call to MassHealth on December 4, 2023, MassHealth removed the closure, processed the information in the system and approved the appellant for MassHealth Standard. The appellant did not submit an application or review on December 4, 2023, rather MassHealth just processed what was in its system. The MassHealth representative at the hearing testified that she believed the MassHealth worker on the October 3, 2023 telephone call with the appellant, erred in not removing the closure at that time and either approving the case or issuing a notice of request for information. Had the MassHealth worker taken the appropriate steps after the October 3, 2023 phone call, that date would have been preserved as the controlling application date. MassHealth began to act on the appellant's case at that time in light of the October 27, 2023 request for information and the appellant's October 26, 2023 submission of proof of residency. Based on the facts and testimony presented at the hearing, MassHealth should have honored October 3, 2023 as the controlling application date, allowing for a MassHealth Standard start date of September 23, 2023 pursuant to 130 CMR 502.006; 505.002. The appeal is approved insofar as the appellant's MassHealth start date is September 23, 2023, but is denied in that the regulations do not allow for an earlier date.

Order for MassHealth

Modify the notice dated December 4, 2023 and approve the appellant for MassHealth Standard with a start date of September 23, 2023.

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.

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.

Scott Bernard
Hearing Officer
Board of Hearings

cc:

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