

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2401423
<b>Decision Date:</b>	3/28/2024	<b>Hearing Date:</b>	March 7, 2024
<b>Hearing Officer:</b>	Stanley Kallianidis		

**Appellant Representative:**

Pro Se

**MassHealth Representatives:**

Nancy Derisma, Charlestown MEC  
Roxana Noriega, Premium Asssitance



*Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Office of Medicaid  
Board of Hearings  
100 Hancock Street, 6<sup>th</sup> Floor  
Quincy, MA 02171*

# APPEAL DECISION

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	Premium Assistance-Failure to Enroll in Employer Insurance
<b>Decision Date:</b>	3/28/2024	<b>Hearing Date:</b>	March 7, 2024
<b>MassHealth Reps.:</b>	Nancy Derisma, Charlestown MEC Roxana Noriega, Premium Assistance		
<b>Hearing Location:</b>	Telephonically with Charlestown MEC and Premium Assistance		

## Authority

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

## Jurisdiction

The appellant received notice dated January 15, 2024 that MassHealth may stop her MassHealth benefits by March 15, 2024 if she did not enroll in her employer's insurance because the insurance meets the guidelines for Premium Assistance payments (Exhibit 1). The appellant filed an appeal timely on January 29, 2024 (Exhibit 2). The termination of benefits is valid grounds for appeal (130 CMR 610.032).

The appellant was entitled to a continuation of her current MassHealth benefits pending the outcome of the appeal (130 CMR 610.036).

## Action Taken by MassHealth

MassHealth plans on potentially stopping the appellant's MassHealth benefits.

## Issue

In accordance with 130 CMR 130 CMR 505.008(D), was MassHealth correct in requiring that the appellant enroll in her employer's health insurance in order to continue with her MassHealth Care Plus benefits?

## Summary of Evidence

The MassHealth MEC representative testified that the appellant is currently eligible for and receiving MassHealth CarePlus benefits. She stated that appellant has health insurance through her job and that she must enroll in this insurance to continue with her MassHealth benefits. According to the notice that was sent to her, she must enroll by March 15, 2024 or her benefits may end (Exhibit 1).

The MassHealth Premium Assistance representative explained that because the appellant's employer's health insurance meets the criteria for Premium Assistance payments, she must enroll in this insurance. She stated that once the appellant enrolls in her employer's insurance, MassHealth Premium Assistance would cover the entire cost of her premium. Thus, there would be no cost to the appellant because she would be reimbursed in full for the cost of the employee's share of the premium. The MassHealth Premium Assistance representative further explained that the appellant would be reimbursed by either check or direct deposit.

The appellant testified that she is afraid that if her employer's health insurance premium is deducted from her pay, she will not have sufficient funds to pay her monthly bills. The MassHealth Premium Assistance representative explained to her that she would be reimbursed in full for the cost of the premium and that payment to the appellant for this the premium is made a month ahead of the deduction from her income. Regardless of the assurances of the Premium Assistance representative, the appellant remained apprehensive about enrolling in her employer's health insurance.

## Findings of Fact

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

1. The appellant received notice dated January 15, 2024 that MassHealth may stop her MassHealth benefits by March 15, 2024 if she did not enroll in her employer's insurance because the insurance meets the guidelines for Premium Assistance payments (Exhibit 1).
2. The appellant's employer's health insurance meets the criteria for Premium Assistance payments (Exhibit 1 and testimony).
3. The appellant is currently receiving MassHealth CarePlus benefits (testimony).

4. Upon proof of enrollment in her employer's health insurance, MassHealth Premium Assistance would cover the entire cost of the appellant's share of the employer's health insurance premium (testimony).
5. MassHealth Premium Assistance would reimburse the full cost of the premium by either check or direct deposit and that payment to the appellant would be a month ahead of the health insurance deduction from her income (testimony).

## **Analysis and Conclusions of Law**

130 CMR 505.002 (N) Access to Employer-sponsored Insurance and Premium Assistance Investigations for Individuals Who Are Eligible for MassHealth Standard.

(1) MassHealth may perform an investigation to determine if individuals receiving MassHealth Standard (a) have health insurance that MassHealth may help pay for; or (b) have access to employer-sponsored health insurance in which MassHealth wants the individual to enroll and for which MassHealth will help pay.

(2) The individual receives MassHealth Standard while MassHealth investigates the insurance.

(a) Investigations for Individuals Who Are Enrolled in Health Insurance.

1. If MassHealth determines that the health insurance the individual is enrolled in meets the criteria at 130 CMR 506.012: Premium Assistance Payments, the individual is notified in writing that MassHealth will provide MassHealth Standard Premium Assistance Payments as described at 130 CMR 506.012: Premium Assistance Payments.

2. If MassHealth determines that the health insurance the individual is enrolled in does not meet the criteria at 130 CMR 506.012: Premium Assistance Payments, the individual is eligible for MassHealth Standard Direct Coverage.

3. Individuals described at 130 CMR 505.002(F)(1)(d) will not undergo an investigation.

(b) Investigations for Individuals Who Have Potential Access to Employer-sponsored Health Insurance.

1. If MassHealth determines the individual has access to employer-sponsored health insurance and the employer is contributing at least 50% of the premium cost and the insurance meets all other criteria described at 130 CMR 506.012: Premium Assistance Payments, the individual is notified in writing that they must enroll in this employer sponsored coverage. MassHealth allows the individual up to 60 days to enroll in this coverage. Once enrolled in this health insurance plan, MassHealth provides MassHealth Standard Premium Assistance Payments as described in 130 CMR 506.012: Premium Assistance Payments. Failure to enroll in the

employer-sponsored health insurance plan at the request of MassHealth will result in the loss or denial of eligibility for all individuals unless the individual is younger than 21 years old or is pregnant. 2. If MassHealth determines the individual does not have access to employer sponsored health insurance, the individual is eligible for MassHealth Standard Direct Coverage. 3. Individuals described at 130 CMR 505.002(F) and (G) will not undergo an investigation.

130 CMR 505.005 (B)((2) Investigations for Individuals Who Have Potential Access to Employer-sponsored Insurance. MassHealth may perform an investigation to determine if individuals potentially eligible for MassHealth Family Assistance (a) have health insurance that MassHealth can help pay for; or (b) have access to employer-sponsored insurance in which MassHealth wants the individual to enroll and for which MassHealth will help pay.

1. Investigations for Individuals Who Are Enrolled in Health Insurance. a. If MassHealth determines that the health insurance the individual is enrolled in meets the criteria at 130 CMR 506.012: Premium Assistance Payments, the individual is notified in writing that MassHealth will provide MassHealth Family Assistance Premium Assistance Payments as described at 130 CMR 450.105(G)(1): Premium Assistance and 130 CMR 506.012: Premium Assistance Payments. b. If MassHealth determines that the health insurance the individual is enrolled in does not meet the criteria at 130 CMR 506.012: Premium Assistance Payments, the individual continues to be eligible for MassHealth Family Assistance.

2. Investigations for Individuals Who Have Potential Access to Employer-sponsored Health Insurance (ESI). a. If MassHealth determines the individual has access to employer-sponsored health insurance, the employer is contributing at least 50% of the premium cost, and the insurance meets all other criteria described at 130 CMR 506.012: Premium Assistance Payments, the individual is notified in writing that they must enroll in this employer-sponsored coverage that meets the criteria described in 130 CMR 506.012: Premium Assistance Payments. MassHealth allows the individual up to 60 days to enroll in this coverage. Once enrolled in this health insurance plan, MassHealth provides MassHealth Family Assistance Premium Assistance Payments as described in 130 CMR 450.105(G)(1): Premium Assistance and 130 CMR 506.012: Premium Assistance Payments. Failure to enroll in the employer-sponsored health insurance plan at the request of MassHealth will result in the loss or denial of eligibility. b. If MassHealth determines the individual does not have access to employer sponsored health insurance, the individual continues to be eligible for MassHealth Family Assistance.

130 CMR 505.008(D) Access to Employer-sponsored Insurance and Premium Assistance Investigations for Individuals Who Are Eligible for MassHealth CarePlus. (1) MassHealth may perform an investigation to determine if individuals receiving MassHealth CarePlus have

(a) health insurance that MassHealth can help pay for; or

(b) access to employer-sponsored insurance that MassHealth wants the individual to enroll and for which MassHealth will help pay.

1. Investigations for Individuals Who Are Enrolled in Health Insurance. If MassHealth determines that the health insurance the individual is enrolled in meets the criteria at 130 CMR 506.012: Premium Assistance Payments, the individual is notified in writing that MassHealth will provide MassHealth CarePlus Premium Assistance Payments as described at 130 CMR 506.012: Premium Assistance Payments. If MassHealth determines that the health insurance the individual is enrolled in does not meet the criteria at 130 CMR 506.012: Premium Assistance Payments, the individual is eligible for MassHealth CarePlus Direct Coverage.

2. Investigations for Individuals Who Have Potential Access to Employer-sponsored Health Insurance. If MassHealth determines the individual has access to employer-sponsored insurance and the employer is contributing at least 50% of the premium cost and the insurance meets all other criteria described in 130 CMR 506.012: Premium Assistance Payments, the individual is notified in writing that they must enroll in this employer-sponsored coverage. MassHealth will allow the individual up to 60 days to enroll in this coverage. Once enrolled in the health insurance plan, MassHealth will provide MassHealth CarePlus Premium Assistance Payments as described at 130 CMR 506.012: Premium Assistance Payments. Failure to enroll in the employer-sponsored health insurance plan at the request of MassHealth will result in loss or denial of eligibility for all individuals. (2) If MassHealth determines the individual does not have access to employer-sponsored insurance, the individual continues to be eligible for MassHealth CarePlus.

In this case, the appellant is eligible for and receiving MassHealth CarePlus benefits. The appellant received notice dated January 15, 2024 that MassHealth may stop her MassHealth benefits by March 15, 2024 if she did not enroll in her employer's insurance because the insurance meets the guidelines for Premium Assistance payments.

I have found that the appellant's employer's health insurance does in fact meet the necessary guidelines for Premium Assistance payments. At her hearing, the appellant was informed that Premium Assistance would cover her private health insurance cost in full through a 100% reimbursement and that payment would be made a month ahead of the deduction of the premium from her income.

Where the appellant currently has MassHealth CarePlus, 130 CMR 505.008(D) cited directly above covers the need of a recipient to enroll in their employer's insurance or risk having their benefits stop. The appellant has been given the requisite 60 day notice requiring her to enroll according to the notice that was sent to her. In accordance with 130 CMR 505.008(D), MassHealth may stop her CarePlus benefits if she continues to fail to enroll.

The appeal is therefore denied.

## Order for MassHealth

MassHealth may terminate the appellant's MassHealth benefits if she has not enrolled in her employer's insurance and submitted proof of enrollment to Premium Assistance.

## 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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Stanley Kallianidis  
Hearing Officer  
Board of Hearings

cc:

Charlestown MEC

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