

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2401825
Decision Date:	03/26/2024	Hearing Date:	03/04/2024
Hearing Officer:	Christopher Jones	Record Open to:	03/18/2024

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Liz Cruz – Tewksbury HCR



*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:	Denied	Issue:	Under-65; Application; Application Date; Identity Proofing
Decision Date:	03/26/2024	Hearing Date:	03/04/2024
MassHealth's Rep.:	Liz Cruz	Appellant's Rep.:	Pro se
Hearing Location:	Telephonic	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 January 4, 2024, MassHealth closed the appellant's application for MassHealth benefits because the appellant had filed more than one application. (Exhibit 1.) The appellant filed this appeal in a timely manner on February 5, 2024. (Exhibit 2; 130 CMR 610.015(B).) Denial of assistance is valid grounds for appeal. (130 CMR 610.032.)

The record was left open following the appeal until March 18 for MassHealth to investigate why it sent out the appealed notice and for the appellant to respond.

Action Taken by MassHealth

MassHealth closed out an application from the appellant because the agency had "more than one application on file We have sent you another letter that informs you about [the appellant's] eligibility based on the most recent application." MassHealth then approved the appellant for Health Safety Net based upon an application submitted on January 9, 2024.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 502.001, in

determining that the relevant date of application was January 9, 2024.

Summary of Evidence

The appellant is a young adult who used to be in a MassHealth household with her parent, as a claimed dependent. The appellant's parent has been incarcerated since the summer of 2023.

The appellant attempted to renew her eligibility in the fall of 2023 but was unable to renew the eligibility based on the household including her parent. MassHealth's representative testified that the appellant tried to submit an online application on December 26, 2023, but that application could not be completed because the appellant failed the identity proofing stage of the application. Proof of the appellant's identity was required to reopen the online application. MassHealth's representative testified that this application could not have been appealed because it was never submitted to MassHealth. The appellant would never have been able to complete the application without being able to verify her identity.

On January 4, 2024, MassHealth notified the appellant in writing that it closed the appellant's application for MassHealth benefits because the appellant had filed more than one application (Exh. 1).

MassHealth's representative testified that the appellant completed a paper application on February 14, 2024. This application identified the appellant as having a household of one and monthly income of \$1,733.20. The appellant was initially approved for the CarePlus benefit, but MassHealth's representative did not know why. The appellant was then also approved for assistance to purchase private health insurance through the Health Connector. The appellant is currently enrolled in an insurance plan through the Health Connector.

The appellant testified that her household information has not changed since her parent's incarceration. She has at all times earned the same amount and been living on her own. She also testified, however, that she had a hospitalization [REDACTED] when she had tried to file her application online, and she filed this appeal to try and get coverage for that hospitalization.

It was pointed out that the appellant filed her appeal prior to the February 14, 2024 approval notice. Therefore, she could not have been appealing the February 14, 2024 decision. It was further unclear why MassHealth should not approve the appellant's benefits as approved on February 14, 2024 based upon the [REDACTED] application, given the pending appeal. MassHealth was unable to immediately identify what caused a notice to go out on January 4, 2024; therefore, the record was left open for MassHealth to respond.

MassHealth responded to say the appellant called MassHealth on January 4, 2024, to withdraw the application with her parent. MassHealth's representative explained that this application was already closed, but due to a quirk of MassHealth's computer system, the worker had to manually enter a closing code, and that generated the notice the appellant appealed. Effectively, the

appealed notice closed the fall 2023 application that included the appellant's incarcerated parent, and despite saying that the agency was sending "another letter that informs you about this person's eligibility based on the most recent application," there was no other application on file.

MassHealth's computer system then reflects that the appellant submitted a paper application on January 9, 2024. This application was processed, and the appellant was approved for the Health Safety Net, starting [REDACTED] ten days before the date of the application. MassHealth's representative also noted that the appellant was approved for CarePlus because someone had entered her income incorrectly. It generated an approval notice before it was corrected and then a termination notice, both on February 26. Finally, she explained that the appellant's December 26 online application could not be processed because the appellant never submitted it. Her paper application on January 9, 2024 did not require identity proofing, and even if the appellant completed identity proofing, she never went back and submitted the online application.

The appellant responded with a copy of a nearly \$1,000 hospital bill, though the date of service for that bill was not apparent.

Findings of Fact

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

- 1) The appellant is a household of one with monthly income of \$1,733.20. (Testimony by the appellant and MassHealth's representative.)
- 2) The appellant's MassHealth coverage was terminated in the fall of 2023 because she did not complete a renewal application. (Testimony by MassHealth's representative.)
- 3) The appellant attempted to renew her eligibility, but she could not renew the application that included her incarcerated parent. (Testimony by the appellant and MassHealth's representative.)
- 4) The appellant attempted to submit an online application for just herself on or around [REDACTED]. She was unable to complete the identity proofing required to submit an online application, and the application was never submitted. (Testimony by MassHealth's representative; Exhibit 5.)
- 5) On January 4, 2024, the appellant called MassHealth, and MassHealth closed the application that the appellant had attempted to file with her parent in the fall of 2023. (Exhibit 5.)
- 6) On January 9, 2024, the appellant completed a paper application, and she was approved for the Health Safety Net, effective [REDACTED]. (Exhibit 5.)

Analysis and Conclusions of Law

MassHealth must receive an application before it can determine a member's eligibility. An application is defined as

a request for health benefits that is received by the MassHealth agency and includes all required information and a signature by the applicant The application may be submitted at www.MAHealthConnector.org, or the applicant may complete a paper application, complete a telephone application, or apply in person at a MassHealth Enrollment Center (MEC).

(130 CMR 501.001.)

The date of an "online, telephonic, or in-person application is the date the application is submitted to the MassHealth agency." (130 CMR 502.001(A)(1)(a).) For mailed or faxed applications, the date of application is the "the date the application is received by the MassHealth agency." (130 CMR 502.001(A)(1)(b).) Anyone completing an application online or over the phone must first "be identity proofed pursuant to 130 CMR 502.001(A)(3). Eligibility based on an online or telephonic application cannot be determined until the identity is proven or a paper application is submitted." (130 CMR 502.001(A)(2)(a).) Identity proofing is not required for paper applications or applications completed in person at an Enrollment Center. (130 CMR 502.001(A)(2)(b).)

(3) Identity Proofing Process. An individual or his or her authorized representative, if applicable, completing an online or telephonic application will be asked a series of questions to prove his or her identity.

(a) If the individual is successfully identity proofed, **the application may be submitted** and an eligibility determination will be performed.

(b) If the individual is not successfully identity proofed, the individual will be asked to provide one or two forms of acceptable documentation proving his or her identity.

(c) When identity proof is received, an individual can submit an application and the eligibility process commences. The MassHealth agency will determine

1. the coverage type providing the most comprehensive medical benefits for which the applicant is eligible and **the application is considered submitted on the date of successful identity proofing**; and

...

(d) If identity proof is not received, the MassHealth agency is unable to determine eligibility for medical benefits.

(130 CMR 502.001(A)(3) (emphasis added).)

The coverage date for most MassHealth benefits for childless adults (including young adults), younger than 65, is 10 days before the date of the application. (See 130 CMR 502.006.) This is also true for Health Safety Net coverage: “The medical coverage date begins on the tenth day before the date the Application is received . . .” (101 CMR 613.02.)

Unfortunately, the appellant did not complete an application until her paper application was received on January 9, 2024. Because the appellant was unable to complete the identity proofing requirement of MassHealth’s electronic application, she was never able to “submit” it, and coverage cannot be established based upon the appellant’s attempt to file an application online on [REDACTED]. Otherwise, the appellant completed a paper application, and MassHealth correctly determined her eligibility as 10 days before the date her paper application was received. MassHealth made no error in determining the appellant's eligibility start date.

This appeal must be DENIED.

Order for MassHealth

None.

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.

Christopher Jones
Hearing Officer
Board of Hearings

cc: MassHealth Representative: Sylvia Tiar, Tewksbury MassHealth Enrollment Center, 367 East Street, Tewksbury, MA 01876-1957