

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Approved	Appeal Number:	2402399
Decision Date:	04/05/2024	Hearing Date:	03/22/2024
Hearing Officer:	Christine Therrien		

Appearance for Appellant:



Appearance for MassHealth:

Joseph Barbuzzi, Charlestown



*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	Issue:	Eligibility – Under 65
Decision Date:	04/05/2024	Hearing Date:	03/22/2024
MassHealth's Rep.:	Joseph Barbuzzi	Appellant's Rep.:	
Hearing Location:	Charlestown MassHealth Enrollment Center - Telephonic		

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 12/14/23, MassHealth terminated the appellant's MassHealth benefits on 12/28/23 because MassHealth did not receive the requested verification that the appellant was not incarcerated in the time allowed. (130 CMR 503.002 and Exhibit 1). The appellant filed this appeal in a timely manner on 2/15/24. (130 CMR 610.015(B) and Exhibit 2). Through a notice dated 2/16/24, MassHealth approved the appellant's MassHealth application with a start date of 2/6/24. (130 CMR 502.006 and Exhibit 1). The appellant filed this appeal in a timely manner on 2/20/24. (130 CMR 610.015(B) and Exhibit 2). Denial of assistance is valid grounds for appeal. (130 CMR 610.032).

Action Taken by MassHealth

MassHealth terminated the appellant's MassHealth on 12/28/23 and then approved the appellant for MassHealth CarePlus beginning on 2/6/24.

Issue

The appeal issue is whether MassHealth approved the correct start date for the appellant's CarePlus benefits.

Summary of Evidence

The MassHealth representative testified that MassHealth processed the appellant's renewal application on 7/25/23. The MassHealth representative testified that, on 7/25/23, MassHealth sent the appellant a request to verify his residency and non-incarceration status after the renewal application was processed. The MassHealth representative testified that the appellant had 90 days to submit the requested information. The MassHealth representative testified that, on 7/28/23, MassHealth received the appellant's proof of residency but not proof of the appellant's non-incarceration status. The MassHealth representative testified that, on 8/10/23, MassHealth re-ran the appellant's renewal application after the appellant called which gave the appellant another 90 days to submit the missing incarceration status verification. The MassHealth representative testified that when the requested verification was not received MassHealth issued a notice on 12/14/23 informing the appellant his MassHealth benefits would end on 12/28/23. The MassHealth representative testified that, on 2/15/24, the appellant submitted proof he was not incarcerated. The MassHealth representative testified that on 2/16/24 MassHealth approved the appellant for MassHealth CarePlus with a start date of 2/6/24.

The appellant's representative testified that the appellant was re-determined during the state's reconsideration period and according to 9/5/23 CMS memo to Assistant Secretary Levine, CMS approved the Commonwealth's request "under section 1902(e)(14)(A) of the [Social Security] Act to temporarily reinstate eligibility effective on the individual's prior termination date for individuals who were disenrolled based on a procedural reason and are subsequently determined eligible for Medicaid during the state's reconsideration period (for a period of up to 90 days)." (Exhibit 4). The appellant submitted proof on 2/15/24 that the appellant was not incarcerated when his renewal application was processed on 7/25/23. (Exhibit 4). The appellant's representative testified that the appellant was terminated because of a procedural issue therefore he meets the criteria under the memo to have his eligibility reinstated as of the date of his 12/28/23 termination.

The MassHealth representative testified that he was unable to override the system to reinstate the appellant's eligibility on the termination date.

Findings of Fact

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

1. MassHealth processed the appellant's renewal application on 7/25/23.

2. On 7/25/23, MassHealth sent the appellant a request to verify his residency and non-incarceration status after the renewal application was processed.
3. The appellant had 90 days to submit the requested information.
4. On 7/28/23, MassHealth received the appellant's proof of residency but not proof of the appellant's non-incarceration status.
5. On 8/10/23 MassHealth re-ran the appellant's renewal application after the appellant called which gave the appellant another 90 days to submit the missing incarceration status verification.
6. MassHealth issued a notice on 12/14/23 informing the appellant his MassHealth benefits would end on 12/28/23 because he failed to provide proof of his incarceration status.
7. On 2/15/24, the appellant submitted proof he was not incarcerated.
8. On 2/16/24, MassHealth approved the appellant for MassHealth CarePlus with a start date of 2/6/24.

Analysis and Conclusions of Law

The appellant is a recipient of MassHealth, and his benefits were terminated on 12/29/23 for failure to return documentation showing he was not incarcerated. On 2/15/24, which is before the close of the fair hearing, the appellant submitted the requested proof that he was not incarcerated thus verifying his continued MassHealth CarePlus eligibility.

130 CMR 610.071: Evidence

(A) General

- (2) The hearing officer may not exclude evidence at the hearing for the reason that it had not been previously submitted to the acting entity, provided that the hearing officer may permit the acting entity representative reasonable time to respond to newly submitted evidence. *The effective date of any adjustments to the appellant's eligibility status is the date on which all eligibility conditions were met, regardless of when the supporting evidence was submitted.*

(emphasis added)

The regulations require that MassHealth redetermine the appellant's eligibility based on the additional evidence submitted prior to the close of the fair hearing. The effective date of any adjustments to the appellant's eligibility status shall be the date on which all eligibility

conditions were met. The appellant provided proof that he was not incarcerated at the time of his renewal application on 7/25/23. Accordingly, this appeal is approved.

Order for MassHealth

Rescind notice of termination. Approve the appellant for MassHealth CarePlus benefits effective on 12/28/23.

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.

Christine Therrien
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Nga Tran, Charlestown MassHealth Enrollment Center