

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



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| Appeal Decision: | Denied | Appeal Number: | 2404572 |
| Decision Date: | 06/14/2024 | Hearing Date: | 04/23/2024 |
| Hearing Officer: | Scott Bernard | | |

Appearance for Appellant:



Appearances for MassHealth:

Christine Holm (Quincy MEC) *via* telephone
Roxane Noriega (Premium Assistance) *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

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| Appeal Decision: | Denied | Issue: | Under 65/Premium Assistance/Start Date |
| Decision Date: | 06/14/2024 | Hearing Date: | 04/23/2024 |
| MassHealth's Reps.: | Christine Holm; Roxane Noriega | Appellant's Rep.: | ██████ |
| 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 March 11, 2024, MassHealth notified the appellant that three of his family members had been approved for Premium Assistance benefits beginning that month or in the month the private health insurance deduction began, whichever was later. (See 130 CMR 506.012 and Exhibit (Ex.) 1). The appellant filed this appeal in a timely manner on March 22, 2024. (See 130 CMR 610.015(B) and Ex. 2). A MassHealth determination regarding the start date of Premium Assistance payments is valid grounds for appeal. (See 130 CMR 610.032).

Action Taken by MassHealth

MassHealth determined that the appellant's Premium Assistance would begin in March 2024.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 506.012, in determining the start date of Premium Assistance.

Summary of Evidence

MassHealth was represented by an eligibility worker from the Quincy MassHealth Enrollment Center (MEC); the Premium Assistance Unit was represented by a PA Investigation Specialist; and the appellant represented himself. All individuals attended the hearing by telephone.

The MassHealth representative testified that the appellant lives in a household of six people. (Testimony). On March 11, 2024, MassHealth notified the appellant in writing that it determined that the appellant was eligible for Premium Assistance in the amount of \$844.98 per month. (Ex. 1; Testimony). The MassHealth representative stated that she did not have any information beyond what was contained in the March 11, 2024 notice. (Testimony). The appellant's Premium Assistance begins in March, 2024. (Testimony). The payment the appellant would receive in March, 2024 would be applicable to any premiums payable for April 2024. (Testimony). The MassHealth representative noted that the appellant had previously received Premium Assistance for his employer's previous insurance plan, with the last payment issued in November 2023 for premiums due in December 2023. (Testimony). MassHealth did not issue a Premium Assistance payment in December 2023, which would have been applicable to premiums due in January 2024. (Testimony).

The Premium Assistance representative testified that the appellant contacted MassHealth by telephone on December 11, 2023, to inform them of his employer's change in insurance companies starting January 1, 2024. (Testimony). MassHealth instructed the appellant to submit proof of enrollment in the new insurance plan, a copy of his insurance card, and a summary of benefits to receive Premium Assistance for the new insurance. (Testimony). Although the appellant submitted proof of enrollment and the new insurance card in January 2024, MassHealth did not receive the summary of benefits until March 2024. (Testimony). Consequently, the Premium Assistance approval letter under appeal was not issued until March, 2024. (Testimony; Ex. 1). The representative further explained that MassHealth decided to backdate Premium Assistance payments to January 1, 2024, because it did receive the proof of enrollment and insurance card in January 2024. (Testimony). This meant that the appellant was authorized to receive Premium Assistance payments starting in January 2024, which could be applied to premiums from February 2024 forward. (Testimony). However, no payment could be issued for January 2024 due to the delay in receiving the necessary information by the end of December 2023. (Testimony).

The appellant confirmed his employer's insurance company change starting January 1, 2024. (Testimony). He detailed his efforts to provide MassHealth with the required information promptly upon receipt, despite encountering difficulties in obtaining the necessary paperwork from the insurance company. (Testimony). The appellant expressed frustration with the insurance company's repeated assurances regarding the submission of required information. (Testimony). He acknowledged that MassHealth bore no responsibility for these delays and apologized if his

actions had caused any inconvenience. (Testimony). Additionally, he emphasized the importance of the Premium Assistance payment for January 2024, as his employer began deducting the cost of the new premium from his paycheck at that time. (Testimony).

Findings of Fact

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

1. The appellant resides in a household consisting of six individuals. (Testimony).
2. Three of the appellant's children are covered by the appellant's employer sponsored insurance. (Testimony; Ex. 1).
3. The appellant received Premium Assistance payments for his employer's previous insurance plan. (Testimony).
4. On December 11, 2023, the appellant notified MassHealth that his employer was changing insurance companies effective January 1, 2024, and therefore his insurance would change. (Testimony).
5. MassHealth instructed the appellant that in order to receive Premium Assistance for his new employer sponsored insurance plan, he needed to submit proof of enrollment in the new insurance plan, and a copy of his new insurance card as well as a summary of benefits, which was needed to determine if the new insurance met minimum credible coverage. (Testimony).
6. MassHealth paid the appellant the December 2023 Premium Assistance amount in November 2023. (Testimony).
7. MassHealth did not issue a Premium Assistance payment to the appellant in December 2023. (Testimony).
8. The cost of the premium for the appellant's new insurance began being deducted from his paycheck in January 2024. (Testimony).
9. The appellant submitted proof of enrollment in the new insurance plan and the new insurance card in January 2024, but MassHealth did not receive a copy of the summary of benefits until March 2024. (Testimony).
10. Once MassHealth received the summary of benefits, MassHealth issued a determination on March 11, 2024 stating that the appellant was eligible to receive \$844.98 per month in Premium Assistance. (Testimony; Ex. 1).

11. Since MassHealth received the proof of enrollment and the copy of the appellant's new insurance card in January 2024, MassHealth backdated the appellant's eligibility to January 2024, thereby authorizing Premium Assistance payments for February and March 2024. (Testimony).

Analysis and Conclusions of Law

The MassHealth regulations at 130 CMR 506.012 contain the rules regarding Premium Assistance and state the following in pertinent part:

...

(F) MassHealth Premium Payment Administration.

(1) Premium Assistance Payments.

- (a) The MassHealth agency makes only one Premium Assistance payment per policy.
- (b) Premium assistance payments are made directly each month to the policyholder.
- (c) Proof of health insurance premium payments may be required.
- (d) Premium assistance payments begin in the month of the MassHealth Premium Assistance eligibility determination or in the month that health insurance deductions begin, whichever is later.
- (e) Each monthly Premium Assistance payment is for health insurance coverage in the following month.
- (f) MassHealth reviews the cost effectiveness of the member's health insurance at least once every 12 months.

(2) Change in Premium Assistance Calculation.

- (a) The Premium Assistance amount is recalculated when the MassHealth agency is informed of changes in the federal poverty level, health insurance premium, employer contribution, and whenever an adjustment is made in the Premium Assistance payment formula.
- (b) Members whose Premium Assistance amount changes as the result of a reported change or any adjustment in the Premium Assistance payment formula receive the new Premium Assistance payment beginning with the calendar month following the reported change.

(3) Termination of Premium Assistance Payments.

- (a) If a member's health insurance terminates for any reason, the MassHealth Premium Assistance payments end.
- (b) If there is a change in the services covered under the policy that affects the Basic Benefit Level (BBL) requirements, the Premium Assistance payments end.

(c) Members who become eligible for a different coverage type in which they are not eligible to receive a Premium Assistance benefit receive their final Premium Assistance payment in the calendar month in which the coverage type changes.

(d) If a member voluntarily withdraws their MassHealth application for benefits, the MassHealth Premium Assistance payments end...

MassHealth accurately established the starting date for the appellant's Premium Assistance benefits. The appellant's employer transitioned to a new insurance provider on January 1, 2024, and began deducting the cost of the new coverage from the appellant's paycheck at that time. Despite this, MassHealth could not finalize approval for Premium Assistance until they received all necessary documentation. Despite the best efforts of the appellant, all necessary documentation was not received by MassHealth until March 2024, after which MassHealth promptly issued the Premium Assistance eligibility determination on March 11, 2024. Premium assistance payments begin in the month of the MassHealth Premium Assistance eligibility determination or in the month that health insurance deductions begin, **whichever is later**. While the deductions for the appellant's new health insurance began in January, 2024, March, 2024 marked the onset of his eligibility for Premium Assistance because that is the month of MassHealth's eligibility determination.

As previously mentioned, MassHealth independently chose to back date the appellant's eligibility start date to January 1, 2024, thereby authorizing Premium Assistance payments for premiums due in February 2024 and forward. This decision appears to contradict the regulations cited above. While this hearing officer will refrain from overturning this particular MassHealth decision, it is important to underscore that, strictly speaking and according to the presented facts, the regulations only permit Premium Assistance payments from March 2024 onwards.

For that reason, the appeal is 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.

Scott Bernard
Hearing Officer
Board of Hearings

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

Premium Assistance : UMASS-Schrafft's Center, 529 Main St., 3rd Floor, Charlestown, MA 02129