

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2404846
Decision Date:	05/03/2024	Hearing Date:	4/29/2024
Hearing Officer:	David Jacobs	Record Open to:	

Appearances for Appellant:



Appearances for MassHealth:

Shana Sullivan, MEC Worker



*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:	Eligibility; Start Date
Decision Date:	05/03/2024	Hearing Date:	4/29/2024
MassHealth Rep:	Shana Sullivan	Appellant's Rep.:	Pro se
Hearing Location:	Remote		

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 February 29, 2024, MassHealth notified the appellant that she is eligible for MassHealth CarePlus with a start date of February 19, 2024 (Exhibit 1). The appellant timely appealed this notice on March 26, 2024. The choice of benefits start date is valid grounds for appeal (130 CMR 610.032(A)).

Action Taken by MassHealth

MassHealth notified the appellant that she is eligible for MassHealth CarePlus with a start date of February 19, 2024.

Issue

The appeal issue is whether MassHealth was correct in determining the start date of the appellant's benefits.

Summary of Evidence

The MassHealth representative participated telephonically and provided some background information. The appellant was denied benefits on November 25, 2023 for failure to renew benefits with a 90 day deadline of February 23, 2024 to do so to avoid a gap in coverage. However, the appellant did not submit her renewal until February 29, 2024, and thus MassHealth was only able to back date it by 10 days to February 19, 2024 (Exhibit 1). The appellant was called on February 1, 2024 and was told that she needed to submit her renewal and could do so over the phone. However, the appellant chose not to do it at that time because she was at work, and also, she preferred to do it via a paper application. MassHealth mailed out a paper application on that date and it can take around 7-10 business days to arrive. The appellant eventually did her renewal online on February 29, 2024, after the February 23, 2024 deadline.

The appellant appeared telephonically and explained that that the reason she did not submit her renewal earlier is that she moved house in [REDACTED] and MassHealth sent the renewal to her old address. When asked if she updated her address with MassHealth she said she had done so online in the summer of [REDACTED]. However, the MassHealth representative replied that MassHealth did not receive an update for an address until the February 1, 2024 phone call. The appellant further argued that during the February 1, 2024 phone call the deadline for submission was not explained to the appellant and she did not know she needed to complete the renewal by February 23, 2024. The MassHealth representative testified that the notes about the call do not reference whether a deadline was mentioned or not. The appellant did confirm that she received the paper renewal eventually but does not know if she received it by the time she decided to do the renewal online on February 29, 2024. She argues that due to the notice issues from MassHealth her renewal should be considered timely received by the February 23, 2024 deadline.

Findings of Fact

1. On November 25, 2023 the appellant was denied MassHealth benefits for failure to renew with a 90 day deadline to do so to avoid a gap of coverage of February 23, 2024.
2. On February 1, 2024, the appellant received a phone call from MassHealth that explained to her that she needed to submit her renewal and offered to do it over the phone.
3. The appellant refused to do it over the phone on that date because she was at work.
4. MassHealth mailed the appellant a paper renewal on February 1, 2024 that was later received by the appellant on some later date.
5. Paper renewals typically take between 7-10 business days to arrive.

6. The appellant updated her address with MassHealth on February 1, 2024.
7. The appellant completed her application online on February 29, 2024.
8. The appellant was found eligible for MassHealth CarePlus on February 29, 2024 and her benefits were backdated to February 19, 2024.

Analysis and Conclusions of Law

Here, the appellant disputes the start date of her benefits. She argues that she did not receive proper notice from MassHealth about her renewal. Per 130 CMR 516.007(C):

516.007: Continuing Eligibility

(C) Eligibility Reviews. MassHealth reviews eligibility in the following ways.

(1) Automatic Renewal. Households, whose continued eligibility can be determined based on electronic data matches with federal and state agencies, will have their eligibility automatically renewed.

(a) The MassHealth agency will notify the member if eligibility has been reviewed using the automatic renewal process.

(b) If the member's coverage type changes to a more comprehensive benefit, the start date for the new coverage is determined as described at 130 CMR 516.006.

(2) MassHealth Eligibility Renewal Application. If the individual is residing in the community and his or her continued eligibility cannot be determined based on reliable information contained in his or her account or electronic data match with federal and state agencies, a MassHealth eligibility review form must be completed.

(a) The MassHealth agency will notify the member of the need to complete the MassHealth eligibility review form.

(b) The member will be given 45 days from the date of the request to return the paper MassHealth eligibility review form.

1. If the review is completed within 45 days, eligibility will be determined using the information provided by the individual with verification confirmed through electronic data matches if available.

2. If the review is not completed within 45 days, eligibility will be terminated within 14 days from the date of the termination notice.

3. If the requested review form is submitted within 30 days from the date of the determination is made within 15 days. Eligibility may be established retroactive to the date of termination, if otherwise

eligible.

The time limitations of 130 CMR 516.007 were later extended by Eligibility Operation Memo 23-13 from 45 days to 90 days.

It is uncontroverted that the appellant did not complete her renewal by the 90-day deadline of February 23, 2024. Therefore, the question turns to whether the appellant received appropriate notice of her renewal. Here, it is found that she did.

In accordance with 130 CMR 501.009(D), the appellant has a right to receive information related to changes in her benefits. However, the appellant also has a duty to inform MassHealth of any changes to her address per 130 CMR 501.010(B). Here, the appellant argues that she informed MassHealth of a change in her address in the summer of 2021. However, this is not credible based on the record. The appellant testified that she made the change online which, if true, makes it unlikely that MassHealth did not receive the change. Therefore, as MassHealth has no records of that change, the appellant's testimony alone is not enough to meet her burden that she updated her address in the summer of 2021. As such, it is found that the only record of the appellant meeting her obligation under 130 CMR 401.010(B) to update her address was during the February 1, 2024 phone call. During that call it is uncontroverted that the appellant was at least informed that she needed to submit her renewal and could do so by phone or mail. It is also uncontroverted that a paper renewal was mailed and received by the appellant, likely within 7-10 business days of February 1, 2024. Although the appellant argues the February 23, 2024 deadline was not communicated to her during the February 1, 2024, the fact that the appellant failed to update her address, was made aware by MassHealth of the need to submit the renewal and had ample time between February 1, 2024 and the deadline of February 23, 2024 to submit her renewal, it is found that MassHealth met its obligation to notify the appellant of her renewal per 130 CMR 501.009(D). Thus, the appellant has not demonstrated that MassHealth's determination was made in error.

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.

David Jacobs
Hearing Officer
Board of Hearings

cc: Quincy MEC