

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	DENIED	Appeal Number:	2406044
Decision Date:	7/8/2024	Hearing Date:	05/24/2024
Hearing Officer:	Kenneth Brodzinski		

Appearance for Appellant:

Pro se

Appearance for MassHealth:

Amarylis Garcia (MEC) with Carmen Fabery
(Premium Billing)



*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:	Tax Intercept
Decision Date:	7/8/2024	Hearing Date:	05/24/2024
MassHealth's Rep.:	Carmen Fabery	Appellant's Rep.:	Pro se
Hearing Location:	Springfield MEC		

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 25, 2024, the Massachusetts Department of Revenue (DOR) informed Appellant that a portion of her state income tax refund was being intercepted by the Executive Offices of Human Services to satisfy an outstanding debt with MassHealth ([Exhibit A](#)). Appellant filed this appeal in a timely manner on April 11, 2024 (see 130 CMR 610.015(B) and [Exhibit A](#)). Intercepting a tax refund to recoup a debt constitute grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

The Massachusetts Department of Revenue intercepted a portion of Appellant's tax refund to recoup a debt owed to MassHealth.

Issue

The appeal issue is whether MassHealth and the DOR properly applied the controlling regulation(s) to accurate facts when DOR intercepted a portion of Appellant's tax refund to recoup a debt owed to MassHealth.

Summary of Evidence

Both parties appeared by telephone.

MassHealth was represented by workers from the Springfield Enrolment Center and the Premium Billing Unit.

Through testimony and a written statement (Exhibit B) the Masshealth representatives testified that on March 6, 2023, MassHealth issued a notice to Appellant informing her that her son was approved for the Children's medical Security Plan with a monthly premium of \$64.00 that would commence as of April 1, 2023. Due to the Covid Pandemic Public Health Emergency, premium bills did not start issuing until June 2023. Appellant was ultimately billed for the months of June, August and September 2023. Because the premiums went unpaid, MassHealth ended coverage in October 2023. The debt was owed until March 28, 2024 when the Executive Offices of Health and Human Services (EOHHS) had the Massachusetts Department of Revenue (DOR) intercept Appellant's state tax refund and deduct from it the amount of the debt, \$256.00 (the three premiums plus a fee). The MassHealth representatives testified that with the intercept, Appellant no longer has a debt with EOHHS. On April 2, 2024, Appellant contacted MassHealth to cancel the MassHealth coverage.

Lastly, the Masshealth representatives explained that because the request to cancel coverage was made after 90 days of the March 6, 2023 approval notice, the accrued premiums could not be waived.

Appellant did not dispute that she did not pay the premiums. Appellant testified that she was not aware that her son had MassHealth coverage. Appellant testified that the MassHealth benefits were never used as the family already pays \$800 per month for employer-sponsored health insurance.

Appellant further testified that she moved several times in recent years and never notified MassHealth because she didn't know that she had MassHealth coverage. Upon questioning by the hearing officer, Appellant confirmed her current address. The MassHealth representatives searched the agency's computer system and pulled up copies of the approval notice sent to Appellant on March 6, 2024 as well as copies of the three premium bills and the termination letter. The MassHealth representatives testified that each of these mailings was sent to Appellant's current verified address.

Findings of Fact

By a preponderance of the evidence, this record supports the following findings:

1. On March 6, 2023, MassHealth issued a notice to Appellant informing her that her son was approved for the Children's medical Security Plan with a monthly premium of \$64.00 that would commence as of April 1, 2023.
2. Due to the Covid Pandemic Public Health Emergency, premium bills did not start issuing until June 2023.
3. Appellant was ultimately billed for the months of June, August and September 2023.
4. The approval notice and the premium bills were sent to Appellant's correct and current address.
5. Because the premiums went unpaid, MassHealth ended coverage in October 2023.
6. Appellant owed a debt for the unpaid premiums until March 28, 2024 when the Executive Offices of Health and Human Services (EOHHS) had the Massachusetts Department of Revenue (DOR) intercept Appellant's state tax refund and deduct from it the amount of the debt, \$256.00 (the three premiums plus a fee).
7. Appellant no longer has a debt with EOHHS.
8. On April 2, 2024, Appellant first contacted MassHealth to cancel the MassHealth coverage.

Analysis and Conclusions of Law

The party appealing an administrative decision bears the burden of demonstrating the decision's invalidity [REDACTED]

If Appellant wanted to dispute the need to pay the July, August and/or September 2023 bills, she had 60 days to file for an appeal on those matters (130 CMR 610.015(B)(1)). There is no evidence in this record that such appeals were ever filed. Accordingly, the actions at issue are MassHealth's reporting to the Department of Revenue that a debt was owed and the recoupment of that debt through an intercept of Appellant's state tax refund that was noticed on March 25, 2024 (Exhibit A).

This record shows that in March 2023, MassHealth properly sent (to Appellant's correct

address) written notice that her child was eligible for benefits as well as three bills for monthly premiums commencing in June 2023. Given this fact, it is not reasonable to conclude that Appellant did not know that her child had MassHealth coverage with a \$64.00 monthly premium.

Appellant did not dispute that her child had coverage, although she asserted that it was never used. Appellant also did not dispute that she never paid the premiums that were billed to her or that she waited until April 2, 2024 to first contact MassHealth to cancel the coverage.

A lack of claims does not entitle one to a premium refund. No one expects the return of premiums for private health insurance for those months or years in which no claims were made. Private and government sponsored health insurance premiums are not based on use, they are based on coverage, whether claims were filed or not.

This record provides no basis in fact or law to support reversing or modifying the actions of MassHealth and DOR which were made in compliance with M.G.L. c.7A, C.62D and 815 CMR 9.00.

For the foregoing reasons, 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.

Kenneth Brodzinski
Hearing Officer
Board of Hearings

cc:

Dori Mathieu, Springfield MassHealth Enrollment Center, 88 Industry Avenue, Springfield, MA 01104, 413-785-4186

MassHealth Representative: Premium Billing., Appeals Coordinator