

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	APPROVED	Appeal Number:	2406264
Decision Date:	7/24/2024	Hearing Date:	05/24/2024
Hearing Officer:	Kenneth Brodzinski	Record Open to:	06/05/2024

Appearance for Appellant:

Pro se

Appearance for MassHealth:

Alana Murray – Springfield MEC and Karishma
Raja – 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:	APPROVED	Issue:	Tax Intercept
Decision Date:	7/24/2024	Hearing Date:	05/24/2024
MassHealth's Rep.:	Alana Murray	Appellant's Rep.:	Pro se
Hearing Location:	Springfield MEC	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 19, 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 18, 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. The MassHealth representatives testified that on March 4, 2023, MassHealth issued a notice to Appellant informing her that CommonHealth (CH) benefits had been approved for a member of her family and that monthly premiums would be due or she could cancel within 60 days of the notice to avoid paying any premiums.

The MassHealth representatives testified that because of Covid protections, premiums were not assessed until June 2023. Premiums were assessed for the months of June, July and August 2023 and coverage stopped thereafter when Appellant failed to pay the premiums. Appellant called MassHealth on September 16, 2024 to cancel the coverage.

Appellant testified that she applied for MassHealth about 2.5 to 3 years ago to help pay co-payments and deductibles that were mounting when her husband fell ill. Appellant testified that her application was denied. A couple years later, Appellant received a notice informing her that she approved for benefits. Appellant states that she called MassHealth to ask what was going on because she hadn't applied. She was told that the approval was based on her original application. Appellant testified that she told the MassHealth agent that she had coverage through her job and didn't need or want the MassHealth benefits. About three or four months later, Appellant received a notice that she was denied coverage.

Appellant testified that she believed the matter had been resolved until she received a premium bill. She again called MassHealth to explain that she didn't need or want the coverage. The MassHealth agent told Appellant that she could not see in the system where she covered and told Appellant to call various departments. Eventually, Appellant learned that only her husband was covered and that MassHealth could not speak to her about the case and could only speak to the husband directly. Appellant explained that she never applied for her husband and that her husband was in Puerto Rico and not available by phone. Appellant complained that this wasn't right because the bills were being issued to her in her name, not her husband's, therefore she should be able to address the matter. Appellant testified that a MassHealth agent ultimately said that she would take care of the matter and when Appellant did not receive another bill, she thought the matter was done. Appellant testified that she didn't hear anything further until she received notice of the tax intercept.

The MassHealth representative confirmed that Appellant was never deemed eligible for MassHealth benefits. She was determined eligible for partial Health Safety Net, her daughter was eligible for MassHealth Standard and the husband, who is designated as a disable adult, was eligible for CommonHealth. She also confirmed that Appellant did place calls to

MassHealth, but she could not see any indication that Appellant asked to cancel the coverage until September 16, 2024.

Upon questioning by the hearing officer, the MassHealth representative confirmed that the March 4, 2023 notice concerning the approval of CommonHealth benefits resulted from an internal batch run.

Findings of Fact

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

1. Appellant applied for MassHealth about 2.5 to 3 years ago to help pay co-payments and deductibles that were mounting when her husband fell ill.
2. Appellant testified that her application was denied.
3. On March 4, 2024 Masshealth systems ran an internal batch run and on the same date issued a notice to Appellant informing her that CommonHealth (CH) benefits had been approved for a member of her family and that monthly premiums would be due or she could cancel within 60 days of the notice to avoid paying any premiums.
4. Because of Covid protections, premiums were not assessed until June 2023.
5. Premiums were assessed for the months of June, July and August 2023 and coverage stopped thereafter when Appellant failed to pay the premiums.
6. Appellant called MassHealth at least twice (once after receiving the March 4, 2023 notice and once after receiving the first premium bill) to terminate coverage.
7. Premium bills were issued to Appellant, not to the husband.
8. A Masshealth agent informed Appellant that MassHealth could not terminate the coverage as the request would have to come from the husband directly.
9. Appellant informed the MassHealth agent that her husband was in Puerto Rico and not available by phone.
10. Masshealth accepted a request from Appellant on September 16, 2024 to cancel the coverage.

Analysis and Conclusions of Law

This matter simply turns on whether Appellant contacted MassHealth within 60 days of the notice of March 4, 2023 to refuse the CommonHealth benefit.

Appellant was credible. Masshealth acknowledged that Appellant did call after receiving the notice although there was no indication that she asked for the coverage stop. This is consistent with Appellant's testimony of being told by MassHealth that she could not terminate the coverage and that her husband would need to contact MassHealth directly. Appellant explained that the husband was not available to do so as he was out of the country and not reachable by phone. This explains why Masshealth did not terminate the case at that time. However, this action is not consistent with the fact that MassHealth accepted a call from Appellant in September 2024 to cancel the coverage. In like manner, Masshealth should have acted on Appellant's multiple requests to end the coverage when she called after receiving the March 4, 2023 CH approval notice.

For the foregoing reasons, the appeal is APPROVED.

Order for MassHealth

Notify the Massachusetts Department of Revenue to rescind the tax intercept and restore the full amount to Appellant.

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 the Enrollment Center gives you any problems with implementing 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.

Kenneth Brodzinski
Hearing Officer
Board of Hearings

cc:

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

MassHealth Representative: Premium Billing., Appeals Coordinator