

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2407214
<b>Decision Date:</b>	7/1/2024	<b>Hearing Date:</b>	06/04/2024
<b>Hearing Officer:</b>	Amy B. Kullar, Esq.		

**Appearances for Appellant:**




**Appearances for MassHealth:**

Roxana Noriega, Premium Assistance;  
Sherrienne Paiva, Taunton MEC



*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

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	Employer-Sponsored Insurance; Premium Assistance
<b>Decision Date:</b>	7/1/2024	<b>Hearing Date:</b>	06/04/2024
<b>MassHealth's Reps.:</b>	Roxana Noriega, Premium Assistance; Sherrienne Paiva, Taunton MEC	<b>Appellant's Reps.:</b>	
<b>Hearing Location:</b>	Taunton MassHealth Enrollment Center Room 2 (via Microsoft Teams)	<b>Aid Pending:</b>	No

### Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder.

### Jurisdiction

On April 24, 2024, MassHealth issued a notice stating that the appellant had health insurance available through a job which meets the rules for Premium Assistance and that the people listed on the notice must enroll in this insurance by June 23, 2024 or your MassHealth benefit may end (Exhibit 1). The appellant filed this appeal in a timely manner on May 2, 2024 (see 130 CMR 610.015(B) and Exhibit 2). Termination of assistance is valid grounds for appeal (see 130 CMR 610.032).

### Action Taken by MassHealth

MassHealth determined that appellant and her children must enroll in health insurance available through her employer by June 23, 2024, or her MassHealth benefits may end.

### Issue

The appeal issue is whether MassHealth was correct in determining that appellant and her children must enroll in employer-sponsored health insurance.

## Summary of Evidence

The MassHealth representative appeared virtually and testified to the following: appellant has a household size of 4. The appellant is a parent of young children, and her three children that are between the ages of [REDACTED] are eligible for MassHealth Standard benefits, which they have been receiving since September 10, 2023 (MassHealth testimony).

Appellant was sent a letter from the MassHealth Premium Assistance Unit (“premium assistance”) on April 24, 2024, which stated that she has employer-sponsored health insurance available through her job. The eight plans offered by the employer meet the rules for MassHealth Premium Assistance, and appellant and her children must enroll in that insurance by June 23, 2024; otherwise, their MassHealth coverage may end (see Exhibit 1). The notice further stated that, if a person listed on the notice is a child or dependent [REDACTED] or older, they may not need to enroll in the health insurance through the appellant’s job, but they must call the MassHealth number provided by June 23, 2024 (Exhibit 1). The MassHealth Premium Assistance representative explained at hearing to the appellant that MassHealth Premium Assistance would reimburse the appellant the cost of any of the employer-sponsored health plans at 100%, and that the payment would be made one month in advance to the appellant. It was also explained to appellant that she would be able to keep MassHealth Standard as her secondary health insurance.

The appellant appeared virtually and was also represented at the hearing by her friend. The appellant testified that her children all have pre-existing medical conditions, and that their current physicians may not take the employer-sponsored health plans. The appellant’s daughter is being evaluated for applied behavioral analysis (ABA) services, but the appellant has not yet completed a disability supplement for her daughter. The appellant is concerned that she will receive a lot of medical bills, that her insulin will not arrive on time and that her son’s medication will not arrive on time. The appellant also stated that she has a pre-existing medical condition that requires care from her physicians, and that her doctors do not take the health insurance offered by her employer.

## Findings of Fact

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

1. The appellant and her three children are eligible for (and receiving) MassHealth Standard benefits.

2. Appellant's employer offers employer-sponsored health insurance which meets the state regulations.
3. On April 24, 2024, MassHealth Premium Assistance sent a letter informing appellant she has employer-sponsored health insurance available through her job which meets the rules for MassHealth Premium Assistance, and appellant and her children must enroll in that insurance by June 23, 2024; otherwise, their MassHealth coverage may end.
4. There were eight plans offered through the appellant's employer which met the MassHealth Premium Assistance criteria.
5. MassHealth will pay 100% of the premium for the employer-sponsored health insurance and will send the check to cover the cost of the insurance one month in advance (Testimony of MassHealth Premium Assistance representative).
6. The appellant does not want to sign up for her employer-sponsored insurance as she and her children have pre-existing medical conditions, and she does not want to change their providers.

## Analysis and Conclusions of Law

The issue on appeal is whether the appellant must enroll in employer-sponsored health insurance in order to keep her MassHealth Standard coverage.

130 CMR 505.002(N) states the following:

(N) Access to Employer-sponsored Insurance and Premium Assistance Investigations for Individuals Who Are Eligible for MassHealth Standard.

**(1) *MassHealth may perform an investigation to determine if individuals receiving MassHealth Standard***

**(a)** have health insurance that MassHealth may help pay for; or

**(b) *have access to employer-sponsored health insurance in which MassHealth wants the individual to enroll and for which MassHealth will help pay.***

**(2)** The individual receives MassHealth Standard while MassHealth investigates the insurance.

**(a)** Investigations for Individuals Who Are Enrolled in Health Insurance.

1. If MassHealth determines that the health insurance the individual is enrolled in meets the criteria at 130 CMR 506.012: Premium Assistance Payments, the individual is notified in writing that MassHealth will provide MassHealth Standard Premium Assistance Payments as described at 130 CMR 506.012: Premium Assistance Payments.

2. If MassHealth determines that the health insurance the individual is enrolled in does not meet the criteria at 130 CMR 506.012: Premium Assistance Payments,

the individual is eligible for MassHealth Standard Direct Coverage.

3. Individuals described at 130 CMR 505.002(F)(1)(d) will not undergo an investigation.

(b) Investigations for Individuals Who Have Potential Access to Employer-sponsored Health Insurance.

1. If MassHealth determines the individual has access to employer-sponsored health insurance and the employer is contributing at least 50% of the premium cost and the insurance meets all other criteria described at 130 CMR 506.012: Premium Assistance Payments, ***the individual is notified in writing that they must enroll in this employer-sponsored coverage. MassHealth allows the individual up to 60 days to enroll in this coverage.*** Once enrolled in this health insurance plan, MassHealth provides MassHealth Standard Premium Assistance Payments as described in 130 CMR 506.012: Premium Assistance Payments. ***Failure to enroll in the employer-sponsored health insurance plan at the request of MassHealth will result in the loss or denial of eligibility for all individuals unless the individual is younger than [REDACTED] or is pregnant.***

2. If MassHealth determines the individual does not have access to employer-sponsored health insurance, the individual is eligible for MassHealth Standard Direct Coverage.

3. Individuals described at 130 CMR 505.002(F) and (G) will not undergo an investigation.<sup>1</sup>

(Emphasis added)

Based on the above, MassHealth did not err in issuing the April 24, 2024, notice requesting that appellant enroll in her employer-sponsored health insurance by June 23, 2024 or her MassHealth benefits may end. MassHealth provided 60 days to the appellant to enroll in employer-sponsored coverage (ESHI), which is within the time span permitted under 130 CMR 505.002(N)(2)(b)1. The regulations are clear that failure to enroll in the benefits will result in the loss or denial of benefits *unless* the individual is younger than [REDACTED] years of age or pregnant. Thus, it should be noted that appellant's minor children should not lose benefits for failure to enroll in the employer-sponsored plan.

Based on the above analysis, this appeal as to the appellant's benefits is DENIED.

## Order for MassHealth

MassHealth may, in its discretion, send a notice of benefits termination to the appellant should it

---

<sup>1</sup> These regulations refer to individuals with breast or cervical cancer, and individuals who are HIV positive, respectively. There is no evidence that the appellant has any of these conditions.

learn she is not enrolled in her ESHI.

## **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.

---

Amy B. Kullar, Esq.  
Hearing Officer  
Board of Hearings

CC: [REDACTED]

MassHealth Representative: Justine Ferreira, Taunton MassHealth Enrollment Center, 21 Spring St., Ste. 4, Taunton, MA 02780

MassHealth Premium Assistance Unit, 519 Somerville Avenue, #372, Somerville, MA 02143