

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2407748
Decision Date:	8/27/2024	Hearing Date:	06/27/2024
Hearing Officer:	Thomas Doyle	Record Open to:	7/18/24

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Marcus Levine, Charlestown MEC

Interpreter:



*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:	Coverage Date
Decision Date:	8/27/2024	Hearing Date:	06/27/2024
MassHealth's Rep.:	Marcus Levine	Appellant's Rep.:	Pro se ¹
Hearing Location:	Remote (phone)	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, MassHealth approved the appellant's application for MassHealth Standard benefits with a coverage date beginning December 1, 2023. (Ex. 1; Ex. 4). The appellant filed this appeal challenging the coverage date in a timely manner on May 13, 2024. (130 CMR 610.015(B); Ex. 2). Imposition of a coverage date is a MassHealth action and is valid grounds for appeal. (130 CMR 610.032(3)).

Action Taken by MassHealth

MassHealth limited the coverage start date to December 1, 2023.

Issue

The appeal issue is whether MassHealth was correct in determining that coverage for the member begins December 1, 2023.

Summary of Evidence

¹ Appellant was representing her infant son.

The MassHealth worker (worker) and the mother of appellant (mother) both appeared by phone and were sworn. The appellant is an infant who was born on [REDACTED] 2023. The worker stated an original MassHealth application was submitted on the appellant's behalf on March 19, 2024 and it was requested the coverage start date be backdated to his date of birth. She stated the person submitting the online application was [REDACTED] a nun from the hospital. The worker stated pursuant to an Eligibility Operations Memo of December 18, 2022 (Ex. 7), coverage was backdated 90 days to December 1, 2023. She stated there was no record of any MassHealth applications from appellant before March 19, 2024.

The mother was understandably upset. She testified her son was born premature on [REDACTED] [REDACTED] 2023 and wanted his coverage backdated to that date. She stated she called MassHealth in June 2024 and someone told her coverage should be backdated another 10 business days. When she was asked where the person from MassHealth got that figure she said she did not know. She stated she and her husband were both unemployed and they were meeting with a social worker at the hospital where her son was a patient. She stated the social worker told her they would set up MassHealth for their son. When she was asked when this was done, she did not know. When her son was discharged in [REDACTED] 2024, she and her husband assumed they had MassHealth coverage for their son and that coverage was backdated to his date of birth.

The record was left open for the mother to contact the social worker who she believed had submitted a prior MassHealth application. (Ex. 5). At the close of the record, I contacted the worker to see if she had received any information from the mother. She replied she had heard nothing from the mother. (Ex. 6).

Findings of Fact

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

1. The appellant is an infant born prematurely on [REDACTED] 2023.
2. An online original application was submitted to MassHealth on March 19, 2024 and it was requested the coverage start date be backdated to the appellant's date of birth. (Testimony).
3. The coverage was backdated 90 days to December 1, 2023 pursuant to an Eligibility Operations Memo of December 18, 2022 and the MassHealth regulations. (Testimony).
4. There is no record of any MassHealth applications from appellant before March 19, 2024. (Testimony).
5. The record was left open for the mother to attempt to contact a social worker who may have filled out an earlier MassHealth application. (Ex. 5).

6. At the close of the record open period, neither I nor the worker received any information from the mother about a social worker filling out an earlier MassHealth application. (Ex. 6).

Analysis and Conclusions of Law

The appellant has the burden "to demonstrate the invalidity of the administrative determination." Andrews v. Division of Medical Assistance, 68 Mass. App. Ct. 228 (2007). Moreover, "[p]roof by a preponderance of the evidence is the standard generally applicable to administrative proceedings." Craven v. State Ethics Comm'n, 390 Mass. 191, 200 (1983).

505.002: MassHealth Standard

(A) Overview.

(1) 130 CMR 505.002 contains the categorical requirements and financial standards for MassHealth Standard serving children, young adults, parents, caretaker relatives, people who are pregnant, disabled individuals, certain individuals with breast or cervical cancer, certain individuals who are HIV positive, independent foster-care adolescents, Department of Mental Health members, and medically frail as such term is defined in 130 CMR 505.008(F).

...

(P) Medical Coverage Date.

(1) The medical coverage date for MassHealth Standard is described at 130 CMR 502.006: Coverage Dates, except as described at 130 CMR 505.002(P)(2).

(2) Provisional eligibility is described in 130 CMR 502.003(E): Provisional Eligibility.

502.006: Coverage Dates

(A) Start Date of Coverage for Applicants.

For individuals applying for coverage, the date of coverage for MassHealth is determined by the coverage type for which the applicant may be eligible. 130 CMR 505.000: Health Care Reform: MassHealth: Coverage Types describes the rules for establishing this date, except as specified in 130 CMR 502.003(E)(1), (F)(2), and (H)(2).

...

(2) The start date of coverage for individuals who do not meet the requirements for provisional eligibility, as described at 130 CMR 502.003(E)(2)(a), is described at 130 CMR 502.006(A)(2)(a) through (d), except individuals described at 130 CMR 502.006(C).

(a) The start date for individuals who are pregnant or younger than 19 years old who submit all required verifications within the 90-day time frame is described in 130 CMR 502.006(A)(2)(a)1. and 2.

1. If covered medical services were received during such period, and the individual would have been eligible at the time services were provided, the start date of coverage is determined upon receipt of the requested verifications and may be retroactive to the first day of the third calendar month before the month of application except as specified in 130 CMR 502.006(C).
2. If covered medical services were not received during such period, or the individual would not have been eligible at the time services were provided, the start date of coverage is determined upon receipt of the requested verifications and coverage begins ten days prior to the date of application, except as specified in 130 CMR 506.006(C).

Eligibility Operations Memo (EOM) 22-18 December 2022 states in part:

The online application now asks if the applicant had medical bills in the three months before the date the application was filed. If an applicant who is pregnant, or a child younger than 19 years of age, answers that they have medical bills, and they attest that their circumstances have not changed in that time, they will be given three months of retroactive eligibility coverage. The MassHealth start date will be the first day of the month for which coverage is requested, not exceeding three calendar months back.

Three-month retroactive eligibility is being offered during the federal public health emergency (PHE) as a flexibility to all those who request it. When the PHE ends, this flexibility will end except for pregnant people and children younger than 19 years of age, who will remain eligible to request at least three months of retroactive coverage.

I find the only application received by MassHealth was submitted online and dated March 19, 2024. A request was made with the application for it to be backdated. Unfortunately, based upon the regulations, MassHealth correctly backdated the coverage date to December 1, 2023. 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.

Thomas Doyle
Hearing Officer
Board of Hearings

MassHealth Representative: Nga Tran, Charlestown MassHealth Enrollment Center, 529 Main Street, Suite 1M, Charlestown, MA 02129