

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2407902
Decision Date:	7/10/2024	Hearing Date:	06/27/2024
Hearing Officer:	Amy B. Kullar, Esq.		

Appearance for Appellant:




Appearance for MassHealth:

Timothy O'Donnell, Tewksbury MassHealth
Enrollment Center



*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:	Community Eligibility – under age 65
Decision Date:	7/10/2024	Hearing Date:	06/27/2024
MassHealth's Rep.:	Timothy O'Donnell, Tewksbury MEC	Appellant's Rep.:	
Hearing Location:	Tewksbury MassHealth Enrollment Center Room 1	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 12, 2024, MassHealth terminated the appellant's MassHealth benefits because MassHealth determined that the appellant was incarcerated (see 130 CMR 503.002(H) and Exhibit 1). The appellant filed this appeal in a timely manner on May 14, 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 terminated the appellant's MassHealth benefits because it determined the appellant was incarcerated.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 503.002(H), in terminating the appellant's MassHealth benefits due to the appellant being incarcerated.

Summary of Evidence

A representative from MassHealth, appearing telephonically, testified that appellant is under the age of ■ and is in a household of one. The MassHealth representative testified that the Appellant's income is \$1200 monthly, which is 90.62% of the federal poverty level. The appellant had previously been enrolled in MassHealth Standard. The MassHealth caseworker testified that the appellant was categorized as incarcerated in their computer system. MassHealth received a renewal application for benefits from the appellant on December 4, 2023. The MassHealth computer system electronically verified the information provided by the appellant in his application, and the appellant was asked to provide proof of his incarceration status. A notice was sent to the appellant requesting that additional information regarding his incarceration status be sent to MassHealth by March 3, 2024. The appellant did not return any of the requested information, and the March 12, 2024 notice terminating the appellant's MassHealth benefits was sent to the appellant. The appellant's MassHealth benefits were terminated on March 26, 2024. On April 26, 2024, MassHealth received the requested information from the appellant that verified his status as a non-incarcerated person. It was the testimony of the MassHealth representative that the earliest date that the appellant's benefits could be restored was April 16, 2024, and that the appellant was active with MassHealth Standard as of April 16, 2024.

A representative for the appellant, also appearing telephonically, verified the appellant's identity and testified that all of the financial information that the MassHealth representative testified to was accurate; however, the appellant was not incarcerated and had not been incarcerated during the eligibility review, and was residing in the community during the time period in question. The appellant's representative did not dispute that the appellant had failed to return the requested information to MassHealth during the annual eligibility review. The appellant's representative stated that after the appellant's benefits were terminated, the appellant had incurred emergency room bills, and that, if possible, he would like the appellant's MassHealth benefits restored to the date of termination. The appellant's representative testified that he was of the belief that during the reconsideration period a member who has had his benefits terminated for failure to respond to their renewal notice can contact MassHealth to complete their renewal and the member will be reinstated to the day that their coverage was terminated, as long as the member contacts MassHealth within 90 days of their MassHealth coverage terminating. The appellant's representative asserted that the appellant was timely enough in his appeal to have his coverage restored to the day of termination.

Findings of Fact

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

1. The appellant is an adult under the age of [REDACTED] (Testimony, Exhibit 4).
2. The appellant has a household size of one (Testimony).
3. The appellant's household income is \$1200 monthly (Testimony).
4. The appellant did not timely respond to MassHealth's request for information before March 3, 2024. (Testimony, Exhibit 1).
5. The appellant was not incarcerated during the annual eligibility review conducted by MassHealth. (Testimony).
6. The appellant provided proof that he was not incarcerated on April 26, 2024, and the appellant's MassHealth benefits were restored as of [REDACTED]

Analysis and Conclusions of Law

Incarcerated people are not eligible for MassHealth benefits unless they are inpatients at a medical facility or are living outside of a penal institution. (130 CMR 503.002(H)). The applicant or member must cooperate with MassHealth in providing information necessary to establish and maintain eligibility and must comply with all the rules and regulations of the MassHealth program including continuing eligibility (130 CMR 501.010(A)). If the requested information is not received, MassHealth benefits may be terminated (130 CMR 501.010(A)). The MassHealth agency reviews eligibility once every 12 months and may do so through a written update of the member's circumstances on a prescribed form. (130 CMR 502.007 (A)(2)). If the renewal application is not completed within 45 days, the MassHealth agency will terminate MassHealth coverage. (130 CMR 502.007(C)(2)(b)(2) and 502.006(B)). If a member's application for benefits is denied for failure to provide verification of requested information, and the member then provides the requested verifications or report changes after the denial, the start date of coverage is ten days prior to the date of receipt of all requested verifications or a reported change. (130 CMR 502.006 (A)(2)(c)).

In the instant appeal, the appellant's MassHealth benefits were terminated due to his failure to provide the information necessary to determine his continuing eligibility for MassHealth Standard in a timely manner. The appellant was not incarcerated during the annual eligibility review, but he failed to timely provide the requested information to MassHealth to document his non-incarcerated status. MassHealth did not err in terminating the appellant's MassHealth benefits, because the appellant failed to respond to his renewal notice. While the appellant did contact MassHealth within 90 days of receiving his termination notice, he failed to respond to the request for information that was generated after he filed his renewal application in December 2023, and the appellant is therefore not eligible to have his coverage reinstated to the date of termination, March 26, 2024.

For these 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.

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

cc: [REDACTED]

MassHealth Representative: Sylvia Tiar, Tewksbury MassHealth Enrollment Center, 367 East Street, Tewksbury, MA 01876-1957