

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2409445
Decision Date:	8/27/2024	Hearing Date:	07/23/2024
Hearing Officer:	Mariah Burns		

Appearance for Appellant:



Appearance for MassHealth:

Tiffany Castellanos, Charlestown 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:	Under 65; Eligibility; Start Date
Decision Date:	8/27/2024	Hearing Date:	07/23/2024
MassHealth's Rep.:	Tiffany Castellanos	Appellant's Rep.:	[REDACTED]
Hearing Location:	Remote	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 April 8, 2024, MassHealth approved the appellant for MassHealth CarePlus benefits with a start date of March 29, 2024. *See* 130 CMR 502.006(A)(2)(b) and Exhibit 1. The appellant filed this appeal on June 13, 2024, which the Board of Hearings deemed timely. *See* 130 CMR 610.015(B) and Exhibit 2. Agency action regarding scope and amount of assistance is valid grounds for appeal. *See* 130 CMR 610.032.

Action Taken by MassHealth

MassHealth approved the appellant for MassHealth CarePlus benefits with a start date of March 29, 2024.

Issue

The appeal issue is whether MassHealth imposed the correct start date in reinstating the appellant's MassHealth CarePlus benefits.

Summary of Evidence

The appellant is an adult under the age of 65 and was represented at the hearing by her son's girlfriend. MassHealth was represented by a worker from the Charlestown MassHealth Enrollment Center. All parties appeared by telephone. The following is a summary of the testimony and evidence provided at hearing:

The appellant was previously a MassHealth CarePlus recipient prior to August of 2023. In June of 2023, MassHealth sent the appellant a renewal notice to the address on file, to which the appellant did not respond. This resulted in a August 18, 2023, termination of the appellant's benefits. MassHealth then processed a renewal application for the appellant on April 8, 2024, and was able to reinstate her CarePlus benefits with a start date of March 29, 2024.

The appellant's representative reported that the appellant did not ever receive a renewal application or the termination notice. She further stated that the appellant fell ill in February 2024 and attempted to use her MassHealth benefits for the first time, which was when she learned that they were terminated. She requested that the appellant's CarePlus benefits be approved retroactively to cover her February visit to urgent care.

Findings of Fact

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

1. The appellant is an adult under the age of 65 and is a MassHealth member. Testimony, Exhibit 1, Exhibit 4.
2. On August 18, 2023, MassHealth mailed the appellant a notice to the address on file indicating that her MassHealth CarePlus benefits would be terminated for failure to submit a renewal application. Testimony, Exhibit 4.
3. The appellant did not appeal that August 18, 2023, termination notice. Testimony.
4. On April 8, 2024, the appellant submitted a new application for benefits. Testimony.
5. That same day, MassHealth notified the appellant that his MassHealth CarePlus benefits would be reinstated with an effective date of March 29, 2024. Exhibit 1.
6. The appellant filed an appeal of the April 8 notice on June 13, 2024, which was deemed timely by the Board of Hearings. Exhibit 2.
7. The appellant wishes to have a medical bill from February of 2024 covered by MassHealth.

Testimony.

Analysis and Conclusions of Law

A MassHealth member's benefit start date depends on 1) the type of benefit they are receiving and 2) whether they submit their application and any requested verifications in a timely manner. Typically, a member's "MassHealth CarePlus coverage start date is described at 130 CMR 502.006." 130 CMR 505.008(E)(1). That regulation provides, in relevant part:

For individuals not described in 130 CMR 502.006(A)(2)(a) who submit all required verifications within the 90-day time frame, the start date of coverage is determined upon receipt of the requested verifications and coverage begins ten days prior to the date of application...

130 CMR 502.006(A)(2)(b). 502.006(A)(2)(a) applies only to individuals who are pregnant or under the age of 18. This exception is further explored in MassHealth Eligibility Operations Memo (EOM) 22-18. It reports that, during the federal public health emergency (FPHE), which was instituted due to the ongoing COVID-19 pandemic and ended on April 1, 2023, all individuals were eligible for a three-month retroactive eligibility if they requested it. However, upon the ending of the FPHE, that "retroactive flexibility eligibility" of 90-days would remain only for "pregnant people and children younger than 19 years of age." EOM 22-18 (December 2022)¹.

An appellant bears the burden of proof at fair hearings "to demonstrate the invalidity of the administrative determination." *Andrews v. Division of Medical Assistance*, 68 Mass. App. Ct. 228, 231 (2006). The fair hearing decision, established by a preponderance of evidence, is based upon "evidence, testimony, materials, and legal rules, presented at hearing, including the MassHealth agency's interpretation of its rules, policies and regulations." For the reasons stated herein, I find that the appellant has failed to meet this burden.

In this case, the appellant is neither pregnant, nor is she under the age of 19. Therefore, she is not entitled to the 90-day retroactive eligibility provided by 502.006(A)(2)(a). MassHealth correctly utilized 502.006(A)(2)(b) in determining that the appellant is eligible only for 10 days of retroactive coverage from her April 8, 2024, renewal application date. Her start date of March 29, 2024, was thereby properly calculated, and I find no error in the issuance of the April 8, 2024, notice.

At hearing, the appellant argued that she never received a renewal notice in June of 2023, nor a termination notice in August of 2023. However, a Hearing Officer may take jurisdiction of an issue only if it is raised within 120 days from "the date of MassHealth agency action when the MassHealth agency fails to send written notice of the action." 130 CMR 610.015(B)(2)(c). Here, the appellant not only filed her request for fair hearing well outside of 120 days from August 18,

¹ The FPHE ended on April 1, 2023. See EOM 23-11 (April 2023).

2023, but there is no evidence in the record that MassHealth *failed to send* that August 2023 notice to the appellant. Thus, I decline to make any finding of whether MassHealth properly terminated the appellant's benefits in August 2023.

For the foregoing reasons, the appeal is hereby 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.

Mariah Burns
Hearing Officer
Board of Hearings

[REDACTED]

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