

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	DENIED	Appeal Number:	2411337
Decision Date:	9/4/2024	Hearing Date:	08/20/2024
Hearing Officer:	Sharon Dehmand		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Damion English, Quincy 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

Appeal Decision:	DENIED	Issue:	Community Eligibility – under 65; Coverage start date
Decision Date:	9/4/2024	Hearing Date:	08/20/2024
MassHealth's Rep.:	Damion English	Appellant's Rep.:	Pro se
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 July 8, 2024, MassHealth approved the appellant's application for MassHealth benefits starting on April 26, 2024. See 130 CMR 502.006 and Exhibit 1. The appellant filed this appeal in a timely manner on July 22, 2024. See 130 CMR 610.015(B) and Exhibit 2. MassHealth's determination of a coverage date is valid grounds for appeal before the Board of Hearings. See 130 CMR 610.032(A)(3).

Action Taken by MassHealth

MassHealth approved the appellant's application for MassHealth benefits starting on April 26, 2024. See 130 CMR 502.006(A)(2)(b) and Exhibit 1.

Issue

Whether MassHealth was correct in determining the appellant's coverage start date in pursuant to 130 CMR 502.006(A).

Summary of Evidence

All parties participated telephonically. MassHealth was represented by a worker from the Quincy MassHealth Enrollment Center. The appellant appeared pro se and verified his identity. The following is a summary of the testimonies and evidence provided at the hearing:

The MassHealth representative testified that the appellant is over the age of 19. The appellant has had MassHealth CarePlus coverage through his father since [REDACTED] 2019. On July 3, 2023, MassHealth mailed out a renewal application to be submitted to MassHealth by August 17, 2023. The appellant did not submit his renewal application and his coverage was downgraded to a ConnectorCare plan on October 31, 2023. On May 20, 2024, the appellant submitted a new application. Through a notice on July 8, 2024, MassHealth approved the appellant for MassHealth CarePlus with the effective date of April 26, 2024; ten days before the application date.

The appellant testified that he was not aware that his coverage was downgraded in October 2023. He admitted that he did not submit a renewal application but stated that he did not receive any of the mailed notices. He said that he moved out of his father's home in the Fall of 2023, but he was still receiving mail at his father's address. He requested that his coverage be retroactive to January 2024 to cover his two emergency room visits that occurred in January. He stated that when he received the hospital bills for his emergency room visits, he was in school and did not have the focus to reapply for MassHealth at that time.

The MassHealth representative verified that the notices were mailed to the appellant's father's address because the appellant's MassHealth coverage was through his father at that time. The MassHealth representative suggested that the appellant contact the Massachusetts Health Connector in order to explore the possibility of retroactive coverage that may be available through a ConnectorCare plan.

Findings of Fact

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

1. The appellant is between is between the ages of 19 and 65. (Testimony and Exhibit 1).
2. The appellant had MassHealth CarePlus coverage through his father since [REDACTED] 2019. (Testimony).
3. On July 3, 2023, MassHealth mailed out a renewal application to be submitted to MassHealth by August 17, 2023. (Testimony).
4. The appellant did not submit his renewal application and his coverage was downgraded to a ConnectorCare plan on October 31, 2023. (Testimony).

5. On May 20, 2024, the appellant submitted a new application for MassHealth benefits. (Testimony).
6. Through a notice on July 8, 2024, MassHealth approved the appellant for MassHealth CarePlus. (Testimony and Exhibit 1).
7. The appellant's MassHealth CarePlus coverage began on April 26, 2024, ten days before the date of his application. (Testimony and Exhibit 1).
8. The appellant filed this appeal in a timely manner on July 22, 2024. (Exhibit 2).

Analysis and Conclusions of Law

At the outset it should be noted that the applicants have certain responsibilities as set forth in 130 CMR 501.010. Those responsibilities include the reporting of any changes that may affect eligibility within ten days or as soon as possible. See 130 CMR 501.010(B).

The appellant testified that he was unaware that his coverage was downgraded because he had moved in the Fall of 2023 and had not received any of the notices. The appellant conceded that he was still receiving mail at his father's address even after his move. The MassHealth representative testified that the notices were mailed to the appellant's father's address in the summer of 2023. Regardless of the timing of the appellant's move, it was the appellant's responsibility to notify MassHealth of his address change as he is required to do so by MassHealth's regulations. See 130 CMR 501.010(B). Thus, MassHealth fulfilled its obligation to properly notify the appellant regarding his benefits and the downgrading of the same. See 130 CMR 501.009(D).

Regarding the appellant's new application, MassHealth determines the date of an application pursuant to 130 CMR 502.001 in the following manner:

(A) Filing an Application. To apply for MassHealth, an individual or his or her authorized representative must file an application online at www.MAHealthConnector.org, complete a paper application, complete a telephone application, or apply in person at a MassHealth Enrollment Center (MEC).

(1) Date of Application.

(a) The date of application for an online, telephonic, or in-person application is the date the application is submitted to the MassHealth agency.

(b) The date of application for a paper application that is either mailed or faxed is the date the application is received by the MassHealth agency.

In this case, the appellant's date of application is May 20, 2024, when he submitted a new

application for MassHealth benefits. The question then becomes the determination of the start date for the appellant's coverage.

The start date of MassHealth benefits is determined by 130 CMR 502.006(A)(2)(b):

(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).

(1) The start date of coverage for individuals approved for benefits under provisional eligibility is described at 130 CMR 502.003(E)(1).

(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 of age 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).

(b) 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, except as specified in 130 CMR 502.006(C).

Here, since the appellant is a new applicant over the age of nineteen, his coverage date begins ten days prior to the date of his application. See generally 130 CMR 502.006(A)(2). The appellant argued that his coverage start date should date back to January 2024 to cover his two emergency room visits. In support of his argument, he offered two reasons. One, that he was unaware that his previous coverage was downgraded. Two, after he started receiving bills for his emergency room visits, he was unable to reapply for MassHealth benefits expeditiously because he was in school and he did not have the focus to do so. Both those arguments are unavailing.

The appellant's argument regarding his lack of awareness of the downgrading of his coverage fails for the reasons set forth above. As for the appellant's second argument, there is no support in the regulations and the appellant did not offer any authority supporting this argument. An appellant bears the burden of proof at fair hearings "to demonstrate the invalidity of the administrative determination." See Andrews v. Division of Medical Assistance, 68 Mass. App. Ct. 228, 231 (2006); see also Craven v. State Ethics Comm'n, 390 Mass. 191, 200 (1983)(proof by a preponderance of the evidence is the standard generally applicable to administrative proceedings).

Therefore, MassHealth was correct in determining the start date¹ of appellant's CarePlus² coverage. For the foregoing reasons, this 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.

Sharon Dehmand, Esq.
Hearing Officer
Board of Hearings

MassHealth Representative: Quincy MEC, Attn: Appeals Coordinator, 100 Hancock Street, 6th Floor, Quincy, MA 02171

¹ Although the appellant was only entitled to ten days of retroactive coverage, MassHealth backdated coverage to April 26, 2024, for reasons that are not readily apparent.

² Adults 21 through 64 years of age who are not eligible for MassHealth Standard will be eligible for MassHealth CarePlus. See 130 CMR 505.001(A)(1)-(3).

