

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2411671
Decision Date:	10/15/2024	Hearing Date:	08/29/2024
Hearing Officer:	Scott Bernard		

Appearance for Appellant:



Appearance for MassHealth:

Janine Monico (Tewksbury MEC) *via* telephone



*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/Under-65/Renewal/Age
Decision Date:	10/15/2024	Hearing Date:	08/29/2024
MassHealth's Rep.:	Janine Monico	Appellant's Rep.:	
Hearing Location:	Tewksbury MassHealth Enrollment Center	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

On July 6, 2024, MassHealth notified the appellant's legal guardian that, due to the appellant being 65 years old or older as of the coverage ending date of July 20, 2024, a new application for individuals aged 65 and older must be completed to determine whether his benefits can continue. (See 130 CMR 501.002(B) and Exhibit (Ex.) 1). On July 26, 2024, MassHealth informed the appellant that his coverage could not be renewed due to the incomplete annual eligibility renewal, but that if he submitted the renewal within 90 days of the coverage ending date, they would reconsider his eligibility. (See 130 CMR 502.007(C)(2) and Ex. 2). The appellant's guardian filed an appeal in a timely manner on July 29, 2024. (See 130 CMR 610.015(B) and Ex. 3). Termination of assistance is valid grounds for appeal. (See 130 CMR 610.032).

Action Taken by MassHealth

MassHealth terminated the appellant's coverage in the under-65 program because the appellant turned 65 years old. MassHealth later terminated the appellant's coverage because he did not submit the annual eligibility review within the required time-frame.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 501.002, in determining that the appellant was 65 years old or older and had to complete a new application for people 65 years old or older.

Summary of Evidence

MassHealth was represented by an eligibility worker from the Tewksbury MassHealth Enrollment Center (MEC) and the appellant was represented by his legally appointed guardian. Both representatives attended the hearing telephonically.

The MassHealth representative testified to the following. On May 24, 2024, MassHealth sent the appellant a letter at his guardian's address informing him that since he was turning 65 years old on July 20, 2024, he needed to submit an Application for Health Coverage for Seniors and People Needing Long-Term-Care Services (Senior Application) no later than July 8 in order for his benefits to continue without interruption. (Testimony; Ex. 5; Ex. 6; Ex. 9). MassHealth enclosed a Senior Application with the May 24 letter. (Testimony). A copy of the letter was also sent to the appellant's guardian. (Testimony).

MassHealth issued a termination notice on July 6, 2024 informing the appellant that his MassHealth coverage would end on July 20, 2024 unless he completed a new application for people 65 years old or older. (Testimony; Ex. 1). MassHealth did not receive a completed Senior Application by July 8 and has not received one as of the date of the hearing. (Testimony). The appellant's MassHealth coverage therefore ended on July 20, 2024. (Testimony; Ex. 5; Ex. 6). MassHealth needs the appellant to submit a complete Senior Application along with any necessary verifications to determine MassHealth eligibility for persons age 65 and older. (Testimony).

The appellant's guardian expressed strong concerns about the termination of benefits, arguing that it constituted age discrimination since the benefits were revoked solely due to the appellant turning 65. (Testimony). He alleged that the required Senior Application was sent to an incapacitated individual, making it unreasonable to expect him to complete and submit it himself. (Testimony). He stated that the denial was not based on financial eligibility but purely on age, which he considered discriminatory. (Testimony). Additionally, he mentioned submitting an application on July 26, 2024, and questioned why it had not been processed. (Testimony). Despite his efforts to ensure communication with MassHealth, including inquiries about the application's status, he felt his client was being punished for circumstances beyond his control and stressed the urgency of reinstating benefits to access necessary services. (Testimony). The appellant's guardian was not aware that MassHealth issued the July 26, 2024 termination notice. (Testimony).

The MassHealth representative explained that it is was a program requirement for all individuals over 65 to complete a new application. (Testimony). When questioned about the notice being sent

to an incapacitated individual, the MassHealth representative inquired about the appellant's living situation. (Testimony). The guardian explained that the appellant resided in an Adult Foster Care facility and pointed out that only the appellant's guardian should be receiving communications regarding benefits. (Testimony). The MassHealth representative stated that there was no record that MassHealth had received the application the appellant's guardian submitted on July 26. (Testimony). She offered to look into the status of the missing application and encouraged the appellant's guardian to proactively submit any necessary documents, such as bank statements, to expedite the process of approval. (Testimony).

Findings of Fact

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

1. On May 24, 2024, MassHealth notified the appellant at his guardian's address that, since he would turn 65 on July 20, 2024, he needed to submit a Senior Application by July 8 to avoid any interruption in his benefits. (Testimony; Ex. 5; Ex. 6; Ex. 9).
2. MassHealth enclosed a Senior Application with the May 24 letter. (Testimony).
3. A copy of the letter was sent to the appellant's guardian. (Testimony).
4. MassHealth issued a termination notice on July 6, 2024 informing the appellant that his MassHealth coverage would end on July 20, 2024 unless he completed a new application for people 65 years old or older. (Testimony; Ex. 1).
5. MassHealth did not receive a completed Senior Application by July 8 and has not received one as of the date of the hearing. (Testimony).
6. The appellant's MassHealth coverage ended on July 20, 2024. (Testimony; Ex. 5; Ex. 6).
7. On July 26, 2024, MassHealth issued a notice informing the appellant that his coverage could not be renewed due to the incomplete annual eligibility renewal. (Ex. 2)

Analysis and Conclusions of Law

MassHealth coverage is provided on a separate basis for individuals under the age of 65 and individuals over the age of 65 years old. (See 130 CMR 501.002(B)). The rules for MassHealth for those under the age of 65 years old are located at 130 CMR 501 – 508. Once an individual turns 65 years of age, the individual must apply for MassHealth coverage for those over the age of 65 years old. (See 130 CMR 516.001 *et seq*).

Disabled adults aged 21 to 64 years old are eligible for MassHealth Standard coverage if they meet specific criteria, including having a household income not exceeding 133% of the federal poverty

level, being permanently and totally disabled as defined by MassHealth, being a U.S. citizen or qualified noncitizen, and utilizing potential health insurance benefits in compliance with MassHealth regulations while enrolling in available health insurance, including Medicare, at no greater cost than without access to health insurance. (130 CMR 505.002(E)). Once a non-institutionalized individual turns 65 years of age, they need only show that their countable income does not exceed 100% of the FPL and their countable assets do not exceed \$2,000. (130 CMR 519.005(A)).

The record shows that the appellant turned 65 years old on July 20, 2024. Once the appellant turned 65 years old, he was no longer eligible for MassHealth Standard for disabled individuals ages 21 through 64 years old. This coverage is available only to members under the age of 65 years old. On May 24, 2024, MassHealth sent the appellant a Senior Application and a notice that he would need to complete the application no later than July 8, 2024 in order to ensure that MassHealth could make an eligibility determination for the age 65 and older MassHealth programs before the appellant's 65th birthday. The notice and application were sent to the appellant care of the appellant's guardian and were sent to the appellant's guardian's address. The notice was sent to the appellant's guardian on the same date. The appellant did not submit the Senior Application, and therefore MassHealth was not able to determine his eligibility for MassHealth benefits for individuals aged 65 years old and older prior to the date he turned 65 years old. The appellant still has the ability to submit a Senior Application/SACA-2 if he wishes to do so.

For the above stated 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.

Scott Bernard
Hearing Officer
Board of Hearings

Cc:

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