

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2412162
Decision Date:	11/13/2024	Hearing Date:	09/12/2024
Hearing Officer:	Thomas Doyle	Record Open to:	

Appearance for Appellant:



Appearance for MassHealth:

Kelly Rosati, Springfield 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; LTC; Over 65
Decision Date:	11/13/2024	Hearing Date:	09/12/2024
MassHealth's Rep.:	Kelly Rosati	Appellant's Rep.:	[REDACTED]
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 July 25, 2024, MassHealth approved the appellant for MassHealth Standard benefits with a coverage effective date of January 1, 2024. (Ex. 1). Appellant filed this appeal in a timely manner on August 5, 2024. (Ex. 2). Determination of a coverage effective date is a valid basis for appeal. (130 CMR 610.032).

Action Taken by MassHealth

MassHealth approved the appellant for MassHealth Standard benefits with a coverage effective date of January 1, 2024.

Issue

The appeal issue is whether appellant is entitled to an earlier start date for coverage.

Summary of Evidence

The appeal representative (daughter) and the MassHealth worker (worker) both appeared by phone. The hearing began, parties were sworn and documents were marked as evidence. The

worker stated appellant was approved for MassHealth Standard to cover appellant for long term care in a notice dated July 25, 2024. (Testimony; Ex. 1). He stated appellant's eligibility began on January 1, 2024. (Ex. 1). Appellant is appealing the eligibility date. The worker testified appellant's original date of application is December 12, 2023 with appellant requesting a MassHealth payment date of November 1, 2023. (Ex. 5, pp. 1, 13-14). The worker stated after receiving appellant's application, MassHealth sent appellant a denial notice on April 1, 2024. (Testimony; Ex. 5, pp. 3-8). This notice clearly states that the appellant can:

"[S]end us some of the needed information or proof within 30 days of the date of this notice (if you are eligible for MassHealth, the date we get the needed information or proof will be your reapplication date" or

"Ask for a fair hearing if you want us to go back to your original application date." (Ex. 5, p. 3).¹

The worker stated MassHealth did receive information from appellant on April 25, 2024, which was within the 30 days as cited on the April 1, 2024 notice. He stated the April 25 date was appellant's new reapplication date and a Request for Information was sent to appellant on May 7, 2024. (Testimony; Ex. 5, pp. 9-10). The worker testified appellant did not appeal the April 1, 2024 denial notice. (Testimony). He stated because there was no appeal of the April 1, 2024 denial notice the coverage date could only go back 3 months from the April 25, 2024 reapplication date. (Testimony).

Appellant had no questions for the worker. She stated she had spoken with so many people at MassHealth and no one mentioned an appeal. She further stated it was her fault because she did read the denial notice and she thought all she had to do was send in the requested information.

Findings of Fact

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

1. In a notice dated July 25, 2024, appellant was approved for MassHealth Standard to cover appellant for long term care in a nursing facility. (Testimony; Ex. 1).
2. Appellant's eligibility began on January 1, 2024. (Ex. 1).
3. Appellant's original date of application is December 12, 2023 with appellant requesting a MassHealth payment date of November 1, 2023. (Ex. 5, pp. 1, 13-14)

¹ The April 1, 2024 denial notice included information on how to ask for a fair hearing and a fair hearing request form. (Ex. 5, pp. 6-8).

4. After receiving appellant's application, MassHealth sent appellant a denial notice on April 1, 2024. (Testimony; Ex. 5, pp. 3-8).
5. The notice informed appellant to send MassHealth some of the needed information or proof within 30 days of the date of the notice and if appellant is eligible for MassHealth, the date MassHealth receives the needed information or proof will be appellant's reapplication date and if appellant wanted to go back to the original application date, she needed to request a fair hearing. (Testimony; Ex. 5, p. 3).
6. Appellant provided information to MassHealth on April 25, 2024, which was within the 30 days as cited on the April 1, 2024 notice. (Testimony).
7. The April 25, 2024 date was appellant's reapplication date. (Testimony).
8. Appellant did not appeal the April 1, 2024 denial notice. (Testimony).

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).

130 CMR 516.002: Reactivating the Application

The MassHealth agency will reactivate the application after a denial of eligibility for failure to provide requested verifications.

(A) If the requested information is received within 30 days of the date of denial, the date of receipt of one or more of the verifications is considered the date of reapplication.

(B) The date of reapplication replaces the date of the denied application. The applicant's earliest date of eligibility for MassHealth is based on the date of reapplication.

130 CMR 516.006: Coverage Date

(A) Start Date of Coverage.

...

(2) The begin date of MassHealth Standard, Family Assistance, or Limited coverage may be retroactive to the first day of the third calendar month before the month of

application, if covered medical services were received during such period, and the applicant or member would have been eligible at the time services were provided. If more than one application has been submitted and not denied, the begin date will be based on the earliest application that is approved. Retroactive eligibility does not apply to services rendered under a home- and community-based services waiver provided under section 1915(c) of the Social Security Act.

I find there was no error by MassHealth in determining appellant's eligibility began on January 1, 2024. Appellant did not appeal the April 1, 2024 notice but complied by sending in verifications on April 25, 2024, which is within 30 days of the April 1, 2024 notice. Therefore, pursuant to the regulations, appellant's reapplication date is April 25, 2024 and this date of reapplication replaces the date of the denied application. The begin date of appellant's MassHealth Standard is retroactive to the first day of the third calendar month before the month of application, or January 1, 2024. Appellant has not met her burden and 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: Dori Mathieu, Springfield MassHealth Enrollment Center, 88 Industry Avenue, Springfield, MA 01104, 413-785-4186