

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Approved in part; Denied in part	Appeal Numbers:	2412775 and 2412777 consolidated
Decision Date:	11/8/2024	Hearing Date:	9/17/2024
Hearing Officer:	Cynthia Kopka		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Raisa Guzman, Charlestown



*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:	Approved in part; Denied in part	Issue:	Community eligibility, under 65, start date
Decision Date:	11/8/2024	Hearing Date:	9/17/2024
MassHealth's Rep.:	[REDACTED]	Appellant's Rep.:	Pro se
Hearing Location:	Charlestown	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

By notices dated July 24, 2024, MassHealth approved Appellant child for MassHealth Standard effective June 16, 2024, and Appellant wife for Health Safety Net effective July 13, 2024. Exhibit 1. Appellants filed this appeal in a timely manner on August 19, 2024. Exhibit 2. 130 CMR 610.015(B). Challenging the scope of assistance is a valid basis for appeal. 130 CMR 610.032.

Action Taken by MassHealth

MassHealth approved Appellant child for MassHealth Standard effective June 16, 2024, and Appellant wife for Health Safety Net effective July 13, 2024.

Issue

The appeal issue is whether Appellants are entitled to earlier coverage start dates.

Summary of Evidence

MassHealth was represented at hearing virtually by an eligibility representative. Appellants appeared in person. A summary of testimony and documentary evidence follows.

Appellants are a family of three and Appellant child was born [REDACTED]. At the time of delivery, Appellants had private insurance through Appellant husband's job. This insurance had a high premium cost and high deductible. In the past, Appellant husband had MassHealth Limited from 2020 to 2023. Appellant wife did not have MassHealth at the time she gave birth.

On [REDACTED] after Appellants were released from the maternity stay, Appellant child had to return to the emergency room. Appellants received bills totaling \$2,766.38 for Appellant child and \$5,528.38 for Appellant wife. Exhibit 2, Exhibit 4. Appellants had to pay these bills in full out of pocket to avoid collection. Immediately after Appellants paid these bills in [REDACTED], Appellant husband lost his job. He called MassHealth to enroll the child in benefits. According to system screenshots, Appellant husband and child were approved for MassHealth Standard and Appellant wife was approved for MassHealth Limited effective June 16, 2024.

Upon reporting income change, on July 24, 2024, MassHealth notified Appellants that Appellant child was still eligible for MassHealth Standard effective June 16, 2024. Exhibit 1. Appellant wife was not eligible for MassHealth but was approved for Health Safety Net effective July 13, 2024. *Id.* Currently, Appellant child is open on MassHealth Standard and Appellant parents have a plan through the Health Connector. The MassHealth representative testified that she could backdate Appellant child's coverage three months from the date of application to March 1, 2024. However, she could not go back to the February dates Appellants requested.

Appellants expressed concern that they were never informed about eligibility for Appellant wife or child during a time they needed assistance. Appellants received irrelevant documents about opening college accounts for Appellant child from providers but never received any documents explaining that MassHealth or Children's Medical Security Plan (CMSP) could help Appellants with bills. When Appellants called to enroll in MassHealth in June, the representative they spoke to advised that Appellant child could be eligible from the date of birth. The MassHealth representative at hearing testified that a child could be eligible from the birth date if the mother is on MassHealth at the time of delivery. However, that was not the circumstance here. Appellants expressed concern that they were at a disadvantage not knowing this information and advocated for newborns who would be eligible to be automatically enrolled in MassHealth or CMSP.

Appellants argue that Appellant wife had applied for MassHealth before her pregnancy in June 2023 but was determined ineligible. Appellant wife did not realize that when she got pregnant, she could update her status and possibly be eligible for MassHealth. Instead, she was enrolled in her spouse's expensive private plan with high member responsibility. Exhibit 4. Similarly, Appellants were unaware that they needed to enroll in MassHealth for the child to get the delivery and ER visit covered. Due to the exorbitant expenses incurred and having to go on unemployment, Appellants seek Appellant child's coverage be backdated to his birth date, and for Appellant wife's eligibility be revised to cover expenses she incurred during pregnancy and delivery. Exhibit 4.

Findings of Fact

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

1. Appellants are a household of 3, all under age 65.
2. From 2020 to 2023, Appellant husband had received MassHealth Limited. Appellant wife had not been approved for a MassHealth benefit prior to the present determination.
3. Appellant child was born on [REDACTED] and had to return to the emergency room on [REDACTED] Exhibit 2.
4. Appellants received and paid bills totaling \$2,766.38 for care for Appellant child incurred between February 24, 2024 and March 12, 2024. *Id.*
5. Appellants received and paid bills totaling \$5,528.38 for care for Appellant wife incurred between July 2023 and April 2024. *Id.*
6. Appellants' household income changed when Appellant husband lost his job in [REDACTED] and began receiving unemployment benefits. Appellants reapplied for MassHealth in June 2024.
7. Effective June 16, 2024, Appellant husband and child received MassHealth Standard and Appellant wife received MassHealth Limited.
8. By notices dated July 24, 2024, MassHealth approved Appellant child for MassHealth Standard effective June 16, 2024 and Appellant wife for Health Safety Net effective July 13, 2024. Exhibit 1.
9. Appellants filed this appeal in a timely manner on August 19, 2024. Exhibit 2.

Analysis and Conclusions of Law

MassHealth regulations at 130 CMR 505.000 *et seq.* explain the categorical requirements and financial standards that must be met to qualify for a MassHealth coverage type. The rules of financial responsibility and calculation of financial eligibility are detailed in 130 CMR 506.000: *Health Care Reform: MassHealth: Financial Requirements*. The MassHealth coverage types are:

- (1) Standard - for pregnant women, children, parents and caretaker relatives, young adults, disabled individuals, certain persons who are HIV positive, individuals with breast or cervical cancer, independent foster care adolescents, Department of Mental Health members, and

medically frail as such term is defined in 130 CMR 505.008(F);

(2) CommonHealth - for disabled adults, disabled young adults, and disabled children who are not eligible for MassHealth Standard;

(3) CarePlus - for adults 21 through 64 years of age who are not eligible for MassHealth Standard;

(4) Family Assistance - for children, young adults, certain noncitizens, and persons who are HIV positive who are not eligible for MassHealth Standard, CommonHealth, or CarePlus;

(5) Small Business Employee Premium Assistance - for adults or young adults who

(a) work for small employers;

(b) are not eligible for MassHealth Standard, CommonHealth, Family Assistance, or CarePlus;

(c) do not have anyone in their premium billing family group who is otherwise receiving a premium assistance benefit; and

(d) have been determined ineligible for a Qualified Health Plan with a Premium Tax Credit due to access to affordable employer-sponsored insurance coverage;

(6) Limited - for certain lawfully present immigrants as described in 130 CMR 504.003(A), nonqualified PRUCOLs, and other noncitizens as described in 130 CMR 504.003: *Immigrants*; and

(7) Senior Buy-In and Buy-In - for certain Medicare beneficiaries.

130 CMR 505.001(A).

A child under the age of one year old is eligible for MassHealth Standard coverage subject to the requirements described in 130 CMR 505.002(B):

(1) Children Younger than One Year Old.

(a) A child younger than one year old born to an individual who was not receiving MassHealth Standard on the date of the child's birth is eligible if

1. the modified adjusted gross income of the MassHealth MAGI household is less than or equal to 200% of the federal poverty level (FPL); and

2. the child is a citizen as described in 130 CMR 504.002: *U.S. Citizens* or a lawfully present immigrant as described in 130 CMR 504.003(A): *Lawfully Present Immigrants*.

(b) A child born to an individual who was receiving MassHealth on the date of the child's birth is automatically eligible for one year and is exempt from the requirement to provide verification of citizenship and identity.

(c) A child receiving MassHealth Standard who receives inpatient services on the date of their first birthday remains eligible until the end of the stay for which the inpatient services are furnished.

MassHealth Standard is available for pregnant individuals whose monthly income is less than 200% of the FPL. 130 CMR 505.002(D)(1)(a). Parents of children younger than 19 years old and who are citizens or qualified noncitizens are eligible for MassHealth Standard if the household income is less than 133% of the FPL. 130 CMR 505.002(C)(1). Under 130 CMR 502.006(A)(2)(a)(1), individuals

who are pregnant or under the age of 19 may be eligible for retroactive coverage on the first day of the calendar month three months prior to the application date. For individuals who are not pregnant or are 19 years old or older, “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).

Here, Appellants applied for MassHealth in June 2024 and Appellant child was approved for MassHealth Standard effective June 16, 2024. As discussed at hearing, pursuant to 130 CMR 502.006(A)(2)(a)(1), Appellant child’s eligibility may go retroactively back to March 1, 2024. This appeal is approved in part.

However, Appellants were not receiving MassHealth at the time Appellant child was born, which would allow for automatic eligibility from the date of birth under 130 CMR 505.002(B)(1)(b). Therefore, the regulations do now allow for retroactive coverage prior to March 1, 2024, the first day of the calendar month three months prior to the application date. To the extent Appellants seek coverage for Appellant child prior to March 1, 2024, this appeal is denied.

For Appellant wife, the relief sought is unavailable under the regulations, as Appellant wife did not apply for MassHealth, nor report the status change to MassHealth during her pregnancy or until after the birth and delivery of Appellant child. While Appellants circumstances are sympathetic, the relief sought is not available under the regulations. To the extent Appellants seek coverage for Appellant wife prior to June 2024, this appeal is denied.

Order for MassHealth

Adjust Appellant child’s start date for MassHealth Standard to March 1, 2024.

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.

Implementation of this Decision

If this decision is not implemented within 30 days after the date of this decision, you should contact your MassHealth Enrollment Center. If you experience problems with the implementation of this decision, you should report this in writing to the Director of the Board of Hearings, at the

address on the first page of this decision.

Cynthia Kopka
Hearing Officer
Board of Hearings

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