

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Approved	Appeal Number:	2413491
Decision Date:	11/13/2024	Hearing Date:	10/10/2024
Hearing Officer:	Kimberly Scanlon		

Appearance for Appellant:
Via telephone
Pro se

Appearance for MassHealth:
Via telephone
Fabienne Jeanniton – Tewksbury 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:	Approved	Issue:	Eligibility; Under 65; Coverage Start Date
Decision Date:	11/13/2024	Hearing Date:	10/10/2024
MassHealth's Rep.:	Fabienne Jeanniton	Appellant's Rep.:	Pro se
Hearing Location:	Tewksbury MassHealth Enrollment Center Room 3 (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 August 20, 2024, MassHealth notified the appellant that he is eligible for MassHealth CarePlus benefits starting on August 6, 2024 (Exhibit 1). The appellant filed this appeal in a timely manner on or about August 28, 2024 (Exhibit 2). A dispute over the scope of assistance is a valid ground for appeal (130 CMR 610.032).

Action Taken by MassHealth

MassHealth notified the appellant that he was eligible for MassHealth CarePlus benefits starting on August 6, 2024.

Issue

The appeal issue is whether MassHealth was correct in determining an August 6, 2024 coverage start date for the appellant's MassHealth coverage.

Summary of Evidence

The MassHealth representative appeared at the hearing by telephone and testified as follows: The appellant is under the age of 65 and resides in a household of 1. On April 3, 2024, MassHealth sent the appellant a request for information, asking for proof of residency. The proof of residency was due by July 2, 2024. The appellant did not timely submit proof of residency and on July 9, 2024, MassHealth notified the appellant that his coverage would terminate on July 23, 2024. MassHealth sent the notices to the appellant's address on file.

On August 16, 2024, MassHealth received the appellant's proof of residency and on August 20, 2024, MassHealth notified the appellant that he is eligible for MassHealth CarePlus benefits starting on August 6, 2024 (Exhibit 1). The MassHealth representative explained that MassHealth used the August 16th date to arrive at the coverage start date of August 6th, which is ten days prior to the date that MassHealth received proof of residency. The appellant has a lapse in coverage from July 23rd through August 5, 2024.

The appellant appeared at the hearing telephonically and testified that he had surgery which was followed by physical therapy during the summer and did not receive the July 9th termination notice. He explained that he was confused that MassHealth would terminate his coverage for failure to provide proof of residency because MassHealth already has all his information on file. Additionally, he contacted MassHealth several times after his physical therapist told him there was an issue with his health coverage. He stated that MassHealth told him that his coverage would be backdated, and it should not be an issue because he would not have been able to receive medical services otherwise. The MassHealth representative explained that it would be up to the appellant's providers to check health insurance coverage prior to rendering medical services. Additionally, she confirmed that the appellant's coverage was backdated 10 days from the date MassHealth received his proof of residency, which was August 16, 2024. The appellant stated that he has outstanding medical bills for services rendered during the time period that he had a lapse in coverage.

Findings of Fact

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

1. The appellant is under the age of 65 and resides in a household of 1.
2. On or about April 3, 2024, MassHealth notified the appellant that proof of his residency was requested and was due by July 2, 2024. MassHealth did not receive the requested proof of residency by the due date.
3. On July 9, 2024, MassHealth notified the appellant that his benefits would terminate on July 23, 2024, for failure to provide the requested proof of residency within the time allowed.

4. In the summer of 2024, the appellant had surgery, followed by physical therapy.
5. On August 16, 2024, MassHealth received the appellant's proof of residency.
6. On August 20, 2024, MassHealth notified the appellant that he was eligible for CarePlus benefits starting on August 6, 2024.
7. The appellant filed an appeal on August 28, 2024.

Analysis and Conclusions of Law

It is undisputed that the appellant meets all the eligibility requirements for MassHealth CarePlus coverage; at issue is the start date of his coverage. The appellant argues that his coverage should go back to July 23, 2024; MassHealth takes the position that the appellant's coverage should begin ten days prior to the August 16th date that his proof of residency was received, which is August 6, 2024.

The appellant's opportunity to contest the July 23, 2024 termination of his benefits is tied to a timely appeal of the July 9, 2024 termination notice. Pursuant to 130 CMR 610.015(B)(1), the appellant's August 28, 2024 request for a hearing is a timely appeal of MassHealth's July 9, 2024 action. Thus, this MassHealth action is jurisdictionally appropriate for review (130 CMR 610.015(B)(1)). MassHealth conducts periodic eligibility reviews and requests verification of eligibility; failure to respond to this request can result in a termination of benefits (130 CMR 502.007(C)(3)). There is no dispute that verification of eligibility (proof of residency) has now been submitted to MassHealth. Per 130 CMR 610.071(A)(2), the effective date of any adjustments to the appellant's eligibility status is the date on which all eligibility conditions were met, regardless of when the supporting evidence was submitted. There is no dispute that the appellant has met the eligibility requirements for MassHealth CarePlus coverage since the date his coverage terminated in July. Therefore, the appellant has demonstrated that his MassHealth CarePlus coverage should be reinstated back to the date of termination (July 23, 2024).

The appeal is approved.

Order for MassHealth

Rescind notice dated August 20, 2024 and adjust the appellant's MassHealth CarePlus coverage start date to July 23, 2024.

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.

Kimberly Scanlon
Hearing Officer
Board of Hearings

MassHealth Representative: Sylvia Tiar, Tewksbury MassHealth Enrollment Center, 367 East Street, Tewksbury, MA 01876-1957, 978-863-9290