

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address



Appeal Decision:	Denied	Appeal Number:	2413578
Decision Date:	10/18/2024	Hearing Date:	10/10/2024
Hearing Officer:	Sara E. McGrath, BOH Deputy Director		

Appearances for Appellant:



Appearances for MassHealth:

Monica Ramirez

Interpreter:



Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
Board of Hearings
100 Hancock Street
Quincy, MA 02171

APPEAL DECISION

Appeal Decision:	Denied	Issue:	Eligibility; Under 65; Citizenship and Immigration
Decision Date:	10/18/2024	Hearing Date:	10/10/2024
MassHealth Rep.:	Monica Ramirez	Appellant Rep.:	Pro se
Hearing Location:	Board of Hearings (Videoconference)		

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 2, 2024, MassHealth notified the appellant that she is eligible for MassHealth Limited coverage, along with the Health Safety Net, starting on June 22, 2024 (Exhibit 1). The notice also states that the appellant may be eligible for health insurance through the Massachusetts Health Connector (Exhibit 1). The appellant filed this appeal in a timely manner on August 29, 2024 (130 CMR 610.015(B)). The scope of assistance is a valid ground for appeal (130 CMR 610.032).

Action Taken by MassHealth

MassHealth notified the appellant that she is eligible for MassHealth Limited coverage, along with the Health Safety Net, starting on June 22, 2024.

Issue

The appellant issue is whether the appellant is eligible for an upgrade to her MassHealth Limited coverage.

Summary of Evidence

The MassHealth representative appeared at the hearing via videoconference testified to the following chronology: The appellant is an adult female with a household size of five, with a household income verified at 11.52% of the federal poverty level. On July 2, 2024, the appellant submitted a MassHealth application. The appellant's immigration status was verified via the submission of an employment authorization card. The appellant has alleged a disability and has stated that she submitted a Disability Supplement to MassHealth's Disability Evaluation Services (DES).¹ The MassHealth representative testified that the appellant has been eligible for MassHealth Limited coverage, along with the Health Safety Net, since August 2020. Because of her immigration status, she continues to be eligible for MassHealth Limited coverage only, with a possible upgrade available if she is found to have a disability. She is eligible for the Health Safety Net which may help to pay costs incurred at certain hospitals and community health centers. She is also eligible for health insurance through the Massachusetts Health Connector.²

The appellant appeared at the hearing with her husband via videoconference and testified with the assistance of a Spanish interpreter. She explained that she has been undergoing treatment for colon cancer for the past few years, and still has more than a year left in her treatment plan. She also experienced an event in May where she lost consciousness and had to be transferred by helicopter to the hospital. She explained that MassHealth has been paying her medical bills all along. She recently had to cancel an oncology appointment because she found out that MassHealth would only cover emergency services. She stated that she is waiting for her green card to arrive in the mail.

Findings of Fact

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

1. The appellant is an adult female between the ages of 21 and 64 with a household size of five and household income verified at 11.52% of the federal poverty level.

¹ The MassHealth representative stated that the computer system does not indicate that a disability application is currently pending and advised the appellant to call DES to confirm.

² The MassHealth representative reviewed the computer records and stated that it appears that the appellant briefly enrolled in a Connector plan (Tufts Health Direct) but was disenrolled for an unknown reason in June 2024.

2. On July 2, 2024, the appellant submitted a MassHealth application.
3. The appellant's immigration status was verified via the submission of an employment authorization card.
4. The appellant has claimed a disability and has stated that she submitted a Disability Supplement to MassHealth's DES.
5. On July 2, 2024, MassHealth notified the appellant that she is eligible for MassHealth Limited coverage, along with the Health Safety Net, starting on June 22, 2024.
6. The July 2 notice also states that the appellant may be eligible for health insurance through the Massachusetts Health Connector.
7. The appellant timely appealed MassHealth's determination.

Analysis and Conclusions of Law

The MassHealth coverage types are set forth at 130 CMR 505.001(A), as follows:

- (1) Standard for pregnant women, children, parents and caretaker relatives, young adults³, 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

³ "Young adults" are defined at 130 CMR 501.001 as those aged 19 and 20.

(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.

The appellant has been granted employment authorization and has verified this status to MassHealth. As such, the appellant is considered a nonqualified individual lawfully present (130 CMR 504.003(A)(3)(c)(3)).⁴ Nonqualified individuals lawfully present are eligible for

⁴ Per 130 CMR 504.003(A), nonqualified individuals lawfully present are not defined as qualified under PRWORA, 8 U.S.C. 1641, but are lawfully present. Nonqualified individuals lawfully present are as follows:

(a) are in a valid nonimmigrant status as otherwise defined in 8 U.S.C. 1101(a)(15) or otherwise under immigration laws (as defined in 8 U.S.C. 1101(a)(17))

(b) are paroled into the United States in accordance with 8 U.S.C. 1182(d)(5) for less than one year, except for an individual paroled for prosecution, for deferred inspection or pending removal proceedings;

(c) belong to one of the following classes:

1. granted Temporary Resident Status in accordance with 8 U.S.C. 1160 or 1255a, respectively;

2. granted Temporary Protected Status (TPS) in accordance with 8 U.S.C. 1254a, and individuals with pending applications for TPS who have been granted employment authorization;

3. granted employment authorization under 8 CFR 274a.12(c);

4. Family Unity beneficiaries in accordance with § 301 of Public Law 101-649;

5. under Deferred Enforced Departure (DED) in accordance with a decision made by the President;

6. granted Deferred Action status, except for applicants or individuals granted status under Department of Homeland Security (DHS) Deferred Action for Childhood Arrivals Process (DACA);

7. granted an administrative stay of removal under 8 CFR part 241; or

8. beneficiaries of approved visa petitions who have pending applications for adjustment of status;

(d) have a pending application for asylum under 8 U.S.C. 1158, or for withholding of removal under 8 U.S.C. 1231, or under the Convention Against Torture Treaty who: 1. have been granted employment authorization; or 2. are younger than 14 years old and have had an application pending for at least 180 days;

(e) have been granted withholding of removal under the Convention Against Torture Treaty; or

(f) is a child who has a pending application for Special Immigrant Juvenile status as described in 8 U.S.C. 1101(a)(27)(J).

MassHealth Limited coverage if they are adults 21 through 64 years of age and meet the categorical requirements and financial standards for MassHealth Limited. MassHealth has determined that the appellant meets the requirements for MassHealth Limited coverage, and the appellant has not presented any evidence that would support an upgrade in coverage.⁵

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.

Sara E. McGrath
Deputy Director
Board of Hearings

cc: Quincy MassHealth Enrollment Center

⁵ If DES determines that the appellant is disabled, she may be eligible for a coverage upgrade (130 CMR 504.006(B)(3)).