

# Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2415820
Decision Date:	12/20/2024	Hearing Date:	11/14/2024
Hearing Officer:	Thomas J. Goode		

Appearance for Appellant:



Appearance for MassHealth:

Nicole Veras, Tewksbury MEC  
Roxana Noriega, Premium Assistance Unit



*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

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	130 CMR 503.007
<b>Decision Date:</b>	12/20/2024	<b>Hearing Date:</b>	11/14/2024
<b>MassHealth's Rep.:</b>	Nicole Veras, Roxana Noriega	<b>Appellant's Rep.:</b>	██████
<b>Hearing Location:</b>	Remote	<b>Aid Pending:</b>	No

### Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder.

### Jurisdiction

On September 27, 2024, MassHealth informed Appellant that she and other household members must enroll in employer sponsored health insurance (ESI) by November 26, 2024 or MassHealth benefits may end (130 CMR 503.007 and Exhibit 1). Appellant appealed the notice in a timely manner on October 15, 2024 (130 CMR 610.015 and Exhibit 2). Notice of a requirement to enroll in other health insurance and potential termination of MassHealth benefits is valid grounds for appeal (130 CMR 610.032).

### Action Taken by MassHealth

MassHealth notified Appellant that she and other household members must enroll in employer sponsored health insurance (ESI) by November 26, 2024 or MassHealth benefits may end.

## Issue

The issue on appeal is whether MassHealth was correct in notifying Appellant that she and other household members must enroll in employer sponsored health insurance (ESI) by November 26, 2024 or MassHealth benefits may end.

## Summary of Evidence

The MassHealth representative testified that a notice issued on September 27, 2024, informing Appellant that MassHealth coverage may end for Appellant and her children if Appellant did not enroll herself and other household members in employer-sponsored insurance (ESI) by November 26, 2024 (Exhibit 1). MassHealth testified that Appellant has ESI available to her through her employer and is eligible for Premium Assistance to pay the premium for the cost of the ESI. Appellant and her 3 children under 18 years of age are currently enrolled in MassHealth Standard coverage. Appellant has earned income totaling \$3,840 per month, in addition to \$755 Social Security for another household member. Total household income is \$4,595 per month.<sup>1</sup> MassHealth testified that household income equates to 142.69% of the federal poverty level for a household of 4. Appellant is eligible for MassHealth Standard through a Transitional Medical Assistance period of eligibility which started on August 1, 2024, and will remain effective through August 31, 2025. Appellant submitted a job update form on September 3, 2024, which indicated that she has access to ESI through her employer. Pursuant to 130 CMR 503.007, Appellant was notified that she is required to enroll in ESI because she is required to access other sources of available health insurance. The Premium Assistance representative testified that Appellant was also informed that MassHealth would pay the entire premium amount due, and the ESI plan would become the primary insurance with MassHealth Standard remaining active as the secondary insurance. Premium Assistance testified that all household members must enroll for it to be cost effective to pay the ESI premium.

Appellant testified that because of increased rental costs, she cannot afford to have premiums deducted from her pay and wait for MassHealth to reimburse her for the cost of the ESI. She added that her daughter is getting orthodontic treatment, and she does not want to change insurance. Appellant questioned the cost effectiveness of being required to enroll in ESI.

## Findings of Fact

Based on a preponderance of the evidence, I find:

1. A notice issued on September 27, 2024 informing Appellant that MassHealth coverage may

---

<sup>1</sup> The issue on appeal is limited to the requirement to enroll in ESI and does not address financial eligibility for MassHealth programs.

end for Appellant and her children if Appellant did not enroll herself and other household members in employer-sponsored insurance (ESI) by November 26, 2024 (Exhibit 1).

2. Appellant has ESI available to her through her employer which is eligible for Premium Assistance to pay the premium for the cost of the ESI.
3. Appellant and her 3 children under 18 years of age are currently enrolled in MassHealth Standard coverage.
4. Appellant has earned income totaling \$3,840 per month, in addition to \$755 Social Security for another household member.
5. Appellant is eligible for MassHealth Standard through a Transitional Medical Assistance period of eligibility which started on August 1, 2024 through August 31, 2025.
6. Appellant submitted a job update form on September 3, 2024 which indicated that she has access to ESI through her employer.
7. MassHealth completed an investigation of the ESI and determined that all household members must enroll for it to be cost effective for MassHealth to pay the ESI premium.

## Analysis and Conclusions of Law

Regulation 130 CMR 505.002 states:

(M) Use of Potential Health Insurance Benefits. Applicants and members must use potential health insurance benefits in accordance with 130 CMR 503.007: *Potential Sources of Health Care*, and must enroll in health insurance, including Medicare, if available at no greater cost to the applicant or member than they would pay without access to health insurance, or if purchased by MassHealth in accordance with 130 CMR 505.002(O) or 130 CMR 506.012: *Premium Assistance Payments*. Members must access other health insurance benefits and must show their private health insurance card and their MassHealth card to providers at the time services are provided.

(N) Access to Employer-sponsored Insurance and Premium Assistance Investigations for Individuals Who Are Eligible for MassHealth Standard.

(1) MassHealth may perform an investigation to determine if individuals receiving MassHealth Standard

(a) have health insurance that MassHealth may help pay for; or

(b) have access to employer-sponsored health insurance in which MassHealth wants the individual to enroll and for which MassHealth will help pay.

(2) The individual receives MassHealth Standard while MassHealth investigates the insurance.

(a) Investigations for Individuals Who Are Enrolled in Health Insurance.

1. If MassHealth determines that the health insurance the individual is enrolled in meets the criteria at 130 CMR 506.012: *Premium Assistance Payments*, the individual is notified in writing that MassHealth will provide MassHealth Standard Premium Assistance Payments as described at 130 CMR 506.012: *Premium Assistance Payments*.
2. If MassHealth determines that the health insurance the individual is enrolled in does not meet the criteria at 130 CMR 506.012: *Premium Assistance Payments*, the individual is eligible for MassHealth Standard Direct Coverage.
3. Individuals described at 130 CMR 505.002(F)(1)(d) will not undergo an investigation.

(b) Investigations for Individuals Who Have Potential Access to Employer-sponsored Health Insurance.

1. If MassHealth determines the individual has access to employer-sponsored health insurance and the employer is contributing at least 50% of the premium cost and the insurance meets all other criteria described at 130 CMR 506.012: *Premium Assistance Payments*, the individual is notified in writing that they must enroll in this employer-sponsored coverage. MassHealth allows the individual up to 60 days to enroll in this coverage. Once enrolled in this health insurance plan, MassHealth provides MassHealth Standard Premium Assistance Payments as described in 130 CMR 506.012: *Premium Assistance Payments*. Failure to enroll in the employer-sponsored health insurance plan at the request of MassHealth will result in the loss or denial of eligibility for all individuals unless the individual is younger than 21 years old or is pregnant.
2. If MassHealth determines the individual does not have access to employer-sponsored health insurance, the individual is eligible for MassHealth Standard Direct Coverage.
3. Individuals described at 130 CMR 505.002(F) and (G) will not undergo an investigation.

MassHealth regulation 130 CMR 503.007 addresses potential sources of health care as follows:

The MassHealth agency is the payer of last resort and pays for health care and related services only when no other source of payment is available, except as otherwise required by federal law.

(A) Health Insurance. Every applicant and member must obtain and maintain available health insurance in accordance with 130 CMR 505.000: *Health Care Reform: MassHealth: Coverage Types*. Failure to do so may result in loss or denial of eligibility unless the applicant or member is

- (1) receiving MassHealth Standard or MassHealth CommonHealth; and
- (2) younger than 21 years of age or pregnant.

Appellant and her children are receiving MassHealth Standard coverage. Appellant has ESI available to her through her employer. As outlined above, the household is required to obtain and maintain available health insurance, and failure to do so can result in termination of coverage. MassHealth completed an investigation and determined that to be cost effective, the entire household must enroll in ESI. MassHealth also notified Appellant that failure to enroll in ESI may result in termination of MassHealth coverage; however, for MassHealth members under 21 years of age who are enrolled in MassHealth Standard or CommonHealth, failure to enroll in ESI will not result in termination of coverage. Appellant's children are under 21 years of age and enrolled in Standard coverage; therefore, their coverage will not terminate if Appellant does not enroll all household members in ESI. The same exemption does not apply to Appellant's MassHealth Standard coverage. Regardless of the termination exemptions, Appellant was correctly notified on September 27, 2024, that she and her household must enroll in ESI within 60 days. Accordingly, 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 J. Goode  
Hearing Officer  
Board of Hearings

cc: Appeals Coordinator, Sylvia Tiar, Tewksbury MEC  
Premium Assistance Unit