

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2419099
Decision Date:	05/09/2025	Hearing Date:	02/05/2025
Hearing Officer:	Marc Tonaszuck	Record Open to:	03/21/2025

Appearance for Appellant:



Appearance for MassHealth:

Amarylis Garcia



*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:	Community Eligibility – Under 65 – Start Date
Decision Date:	05/09/2025	Hearing Date:	02/05/2025
MassHealth's Rep.:	Amarylis Garcia	Appellant's Rep.:	Pro se
Hearing Location:	Springfield MassHealth Enrollment Center	Aid Pending:	<input type="checkbox"/>

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 08/26/2024, MassHealth informed the appellant that her application for benefits was approved, and she was determined to be eligible for MassHealth Standard benefits, with a benefit effective date of 08/16/2024 (Exhibit 1). The appellant filed this appeal timely on 12/13/2024¹ (130 CMR 610.015(B); Exhibit 2). Individual MassHealth agency determinations regarding scope and amount of assistance (including, but not limited to, level-of-care determinations) are valid grounds for appeal (130 CMR 610.032).

Action Taken by MassHealth

MassHealth determined that the appellant was eligible for MassHealth Standard benefits with a benefit effective date of 08/16/2024.

¹ This appeal was initially dismissed on 12/16/2024 for an untimely request for a hearing (see 130 CMR 610.015). Upon request of the appellant, the Board of Hearings vacated the dismissal on 01/03/2025 and the fair hearing was scheduled (Exhibit 3).

Issue

Did MassHealth correctly determine the appellant's benefit effective date for her MassHealth Standard benefits?

Summary of Evidence

The MassHealth representative from the MassHealth Enrollment Center testified that the appellant is between 19 and 64 years of age and she lives in the community. She is part of a household of four people. Her children are eligible for MassHealth benefits. This appeal involves only the appellant's eligibility, not the children's. Prior to the instant determination, the appellant was eligible for Health Safety Net from 2007 until 2012. She was listed on the family's application as "not applying" for MassHealth benefits. On 08/26/2024, the appellant updated her case by providing income information and requesting benefits. According to the information provided by the appellant, she was determined to be eligible for MassHealth Standard benefits. MassHealth made her benefits retroactive 10 days to 08/16/2024.

The appellant appeared at the fair hearing telephonically. She testified that she has outstanding medical bills from [REDACTED] totaling several hundred dollars for services she was provided on [REDACTED] (Exhibit 4²). She requested that her MassHealth benefits be made retroactive to [REDACTED] to cover the bills. The appellant testified that she contacted MassHealth prior to 08/26/2024 to apply for benefits.

The hearing officer asked the appellant if she had any evidence of her calls to MassHealth prior to 08/26/2024. The appellant said she would like an opportunity to provide proof that she made her application earlier than the date MassHealth approved her for. Her request was granted, and the record remained open until 03/07/2025 for her submission and until 03/21/2025 for MassHealth's response (Exhibit 5). Neither party made a submission during the record open period.

Findings of Fact

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

1. The appellant is between the ages of 19 and 64 and she lives in the community (Testimony).
2. The appellant is part of a household of four people. The family has an application on file and the appellant's children are eligible for MassHealth benefits. The appellant listed

² The appellant submitted several documents to the hearing record. Some of the documents are bills for the 08/05/2024 date of service. Other pages are verifications of her income, which is not at issue in this appeal (Exhibit 4).

herself as “not applying” for benefits.

3. Prior to the instant issue, the appellant was determined to be eligible for Health Safety Net from 2007 to 2012, when the eligibility terminated (Testimony).
4. The appellant incurred medical expenses on 08/05/2024 (Testimony).
5. On 08/26/2024, the appellant contacted MassHealth to apply for benefits and to provide income verification (Testimony).
6. On 08/26/2024, MassHealth informed the appellant that she was approved for MassHealth Standard benefits with a benefit effective date of 08/16/2024 (Exhibit 1).
7. A fair hearing took place on 02/05/2025. The appellant and the MassHealth representative both appeared telephonically (Exhibit 3).
8. At the fair hearing, the appellant asked for additional time to submit proof that she contacted MassHealth prior to 08/26/2024 to apply for benefits. Her request was granted, and her submission was due on 03/07/2025. MassHealth’s response was due on 03/21/2025 (Exhibit 5).
9. Neither party made a submission during the record open period.

Analysis and Conclusions of Law

Regulations at 502.003(D) address time standards as follows:

The following time standards apply to the verification of eligibility factors.

(1) The applicant or member has 90 days from the receipt of the Request for Information Notice to provide all requested verifications.

(2) If the applicant or member fails to provide verification of information within 90 days of receipt of the MassHealth agency's request, the MassHealth agency does one of the following.

(a) If the required information is available from electronic data sources, the MassHealth agency uses that information to redetermine eligibility.

(b) If the required information is not available from electronic data sources, MassHealth coverage is denied or terminated except for individuals described at 130 CMR 502.001(D)(1) through (4).

(c) ***If the required verifications are received within one year from the date the application or renewal form was received, coverage is reinstated to a date ten days before the receipt of the verifications.***

(d) If the required verifications are not received within one year of receipt of the previous

application or renewal form, a new application must be completed.

(Emphasis added.)

The appellant is part of a household of four people. Although her children receive MassHealth benefits, the appellant listed herself on the family's application as "not applying" for benefits. On 08/26/2024, the appellant contacted MassHealth to apply for benefits. She was determined to be eligible for MassHealth Standard benefits, effective 10 days prior to her call, 08/16/2024.

The appellant incurred several hundred dollars of medical expenses on 08/05/2024 and she seeks to have her MassHealth coverage backdated to cover those expenses. The appellant requested an opportunity to supplement the hearing record with proof that she contacted MassHealth earlier than the date MassHealth testified to. Her request was granted, but she made no submission during the record open period.

MassHealth correctly determined the effective date of the appellant's MassHealth Standard benefits. In accordance with the above regulations, MassHealth made the appellant's benefits effective on 08/16/2024, 10 days prior to the date the appellant called to apply. The regulations make no provision for more than 10 days of retroactive coverage in an instance such as this. Therefore, this 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.

Marc Tonaszuck
Hearing Officer
Board of Hearings

MassHealth Representative: Dori Mathieu, Springfield MassHealth Enrollment Center, 88 Industry Avenue, Springfield, MA 01104