

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied in part; Dismissed in part	Appeal Number:	2501318
Decision Date:	05/02/2025	Hearing Date:	02/25/2025
Hearing Officer:	Scott Bernard	Record Open/Close:	04/16/2025 – 04/25/2025

Appearances for Appellant:




Appearance for MassHealth:

Katelyn Costello (Quincy MEC) *via* telephone



*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 in part; Dismissed in part	Issue:	Community Eligibility Under 65 Start Date
Decision Date:	05/02/2025	Hearing Date:	02/25/2025
MassHealth's Rep.:	Katelyn Costello	Appellant's Reps.:	
Hearing Location:	Quincy Harbor South	Aid Pending:	N/A

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 November 21, 2024, MassHealth approved the appellant's application for MassHealth benefits starting on August 2, 2024. (See 130 CMR 505.002 and Ex. 1). The appellant, through her guardians and attorney, filed this appeal in a timely manner on January 18, 2025 disputing the MassHealth start date. (See 130 CMR 610.015(B) and Ex. 2). An individual determination regarding the scope and amount of assistance is valid grounds for appeal. (See 130 CMR 610.032).

Action Taken by MassHealth

MassHealth determined that the appellant was eligible for MassHealth Standard with a start date of August 2, 2024.

Issue

The appeal issue is whether the appellant is eligible for an earlier start date for her coverage.

Summary of Evidence

A benefits eligibility representative from the Quincy MassHealth Enrollment Center (MEC) represented MassHealth. The appellant was represented by her attorney and her father, who is also one of her court appointed co-guardians. (See Ex. 2). All parties attended the hearing telephonically.

The MassHealth representative testified to the following. The appellant is an individual over the age of 19 but under the age of 65. (Testimony; Ex. 3). According to the MassHealth Medicaid Management Information System (MMIS), the appellant received MassHealth under aid category 03, Supplemental Security Income (SSI), from April 21, 2009 through February 23, 2023, which meant that the Social Security Administration (SSA) managed the appellant's MassHealth Standard. (Testimony; Ex. 3). On or around February 29, 2023, the appellant's category 3 MassHealth coverage through SSI ended and SSA transferred the case to MassHealth to determine eligibility under MassHealth regulations. (Exhibit 3). The appellant's MassHealth was protected under a category 7 case, while MassHealth determined eligibility. MMIS shows that the appellant's category 7, MassHealth Standard ended on June 14, 2024. (Testimony; Ex. 3). The MassHealth representative testified that such notices go out from SSA¹. The MassHealth representative stated that MMIS listed the reason for the closure on June 14, 2024 as "unknown." (Testimony).

The MassHealth representative continued by testifying that on August 12, 2024, MassHealth received a new MassHealth application, and subsequently MassHealth approved the application on November 21, 2024. (Testimony; Ex. 1). In accordance with MassHealth regulations, MassHealth backdated the appellant's coverage 10 days prior to the date of the application, which was August 2, 2024. (Testimony). Therefore, there is a gap in the appellant's coverage from June 14, 2024 to August 2, 2024. (Testimony).

The appellant's attorney responded in the following manner. The appellant's parents only discovered the termination of the appellant's MassHealth when they attempted to order a wheelchair and were notified there was no active coverage. (Testimony). Around the same time, the appellant's day program also reported a lack of coverage. (Testimony). In July 2024, the attorney and the appellant's parents contacted MassHealth and were informed that a renewal packet had been mailed around March 26, 2024, to the appellant's group home, with a return deadline in May 2024. (Testimony). However, the group home never received the packet, and thus no response was submitted. (Testimony). As a result, the appellant was terminated from coverage. (Testimony). The attorney subsequently submitted a new MassHealth application and requested that benefits be retroactively reinstated to June 14, 2024, since no notice of termination or renewal had been received. (Testimony). Although the appellant was eventually approved for MassHealth Standard coverage on November 21, 2024, it was only made effective as of August 2, 2024, leaving an unexplained and unnotified gap in coverage. (Testimony). This gap caused the

¹ It was learned during the record open period that this statement was erroneous. Notices of termination of a category 7 case are sent from MassHealth, not SSA.

appellant's day program to go unpaid during the intervening period, despite the appellant's continued eligibility. (Testimony). The attorney argued that this termination and resulting gap in coverage were unjust, as the appellant was not given notice or an opportunity to renew. (Testimony). The attorney further clarified through questioning that the coverage previously managed by SSA was likely tied to SSI benefits, and that aid category 03 indicated SSA management, while category 07 provided temporary continuation under MassHealth during the transition. (Testimony).

The appellant's father asked the MassHealth representative to confirm that his daughter's benefits would now be handled directly by MassHealth, and the MassHealth representative confirmed that they would be. (Testimony). The appellant's father appreciated the work everyone involved with the hearing was doing, but was also frustrated by the seeming bureaucratic barriers and communication breakdowns that resulted in the gap in his daughter's coverage. (Testimony).

In response to the attorney's questions, the MassHealth representative confirmed that SSA management was likely tied to SSI and that aid category 07 is used to provide a temporary safety net of coverage when SSA is no longer administering the case, giving the member time to apply directly with MassHealth. (Testimony). The representative reiterated that no specific explanation was provided in MMIS for why SSA ceased managing the appellant's case. (Testimony).

On April 16, 2025, the Hearing Officer emailed the appellant's attorney and the MassHealth representative requesting they both provide additional information to finalize his decision no later than April 25, 2025. (Ex. 6, p. 1). The hearing officer requested the attorney confirm whether and when the appellant lost her SSI benefits and requested that MassHealth provide any notices sent to the appellant or interested parties between February 23, 2023, and June 14, 2024, as well as any issued between June 14 and November 21, 2024. (Id.).

Later that day, the appellant's attorney confirmed that the appellant's SSI benefits had ended. (Ex. 6, p. 2). The attorney stated that the appellant's 2024 monthly income of \$1,576 exceeded the SSI threshold and explained that she submitted an application for Social Security Disability Insurance (SSDI) in January 2023. (Id.). According to bank records, the appellant's last SSI payment of \$914 was made on March 1, 2023, at which time she also received two large SSA deposits. (Ex. 6, pp. 2, 5). The appellant's attorney sent supporting documentation— a February 9, 2023 letter from the Massachusetts State Supplement Program (SSP) notifying her that her SSI benefits would be terminated because her SSI was reduced to \$0 due to excess income, and a February 15, 2023 letter from SSA showing that her SSI benefits were reduced to zero. (Ex. 6, pp. 13, 14-15).

On April 17, 2025, the MassHealth representative forwarded two notices from the Health Insurance Exchange (HIX) system dated August 30, 2024 and on April 25, 2025, she forward notices from the MA-21 system dated March 26, 2024 and May 31, 2024. (Ex. 6, pp. 16-31). In the notice dated March 26, 2024, MassHealth instructed the appellant to submit a new health benefits application by May 10, 2024, to determine her continued eligibility and warned that

failure to do so could result in termination of her coverage. (Ex. 6, pp. 25–27). In the notice dated May 31, 2024, MassHealth informed the appellant that her MassHealth Standard coverage would end on June 14, 2024, because it had not received a renewal application, and the notice explained her right to request a fair hearing if she disagreed, including instructions and a request form. (Ex. 6, pp. 28-31). The first August 30, 2024 notice informed the appellant that she was approved for MassHealth Standard but that the appellant still needed to submit further information, and the second was a request for that information. (Ex. 6, pp. 17-20, 21-23).

On April 25, 2025, the appellant’s attorney wrote that neither the appellant, her guardians, nor her Department of Developmental Services (DDS) group home had received the March 26, 2024 and May 31, 2024 MassHealth notices—and that this omission was only discovered when her guardians attempted to order a new wheelchair in July 2024. (Ex. 6, p. 32).

Findings of Fact

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

1. The appellant is an individual who is over the age of 19 but under the age of 65. (Testimony; Ex. 3).
2. In February 2023, SSA notified the appellant that her SSI benefits would change to zero because her income exceeded the income limit for that program. (Ex. 6, pp. 14-15).
3. According to MMIS, the appellant received MassHealth under aid category 03 for SSI recipients from April 21, 2009 through February 23, 2023, which meant that SSA managed the appellant’s MassHealth Standard in that date range. (Testimony; Ex. 3).
4. On or around February 29, 2023, the appellant’s SSI ended and SSA transferred her case to MassHealth to determine eligibility under MassHealth regulations; the appellant’s MassHealth Standard was protected under category 7 while MassHealth determined eligibility.
5. By notice dated March 26, 2024 MassHealth instructed the appellant to submit a new health benefits application by May 10, 2024 to determine her continued eligibility; by notice dated May 31, 2024, MassHealth terminated the appellant’s MassHealth Standard as of June 14, 2024 for failure to submit the requested renewal application. (Ex. 6, pp. 25–27).
6. The May 31, 2024 termination notice was not timely appealed.
7. By July 2024, the appellant’s guardians and day program learned that the appellant’s MassHealth had been terminated.

8. On August 12, 2024, MassHealth received a new MassHealth application, and subsequently MassHealth approved the application on November 21, 2024. (Testimony; Ex. 1).
9. In accordance with MassHealth regulations, MassHealth approved the appellant's coverage as of August 2, 2024, which was 10 days retroactive from the application date of August 12, 2024. (Testimony).
10. BOH received the appellant's appeal on January 18, 2025. (Ex. 2).

Analysis and Conclusions of Law

MassHealth establishes coverage dates based on the individual's eligibility type. (130 CMR 502.006(A)). For MassHealth Standard, the coverage start date is outlined in 130 CMR 502.006(A)(2)(a) through (d), with specific exceptions for cases of provisional eligibility or hospital presumptive eligibility (not applicable here). (130 CMR 502.006(A)(2);(C); 505.002(P)(2)). The start date for most individuals, excluding those who are pregnant or under 19 years old, is ten days prior to the application date, provided all necessary verifications have been submitted. (130 CMR 502.006(A)(2)(b)). Coverage that is retroactive to the first day of the third calendar month before the month of application is possible but only for persons who are pregnant or under 19 years old. (130 CMR 502.006(A)(2)(a)1.).

MassHealth correctly determined that the start date for the appellant's coverage was August 2, 2024. The appellant submitted an application on August 12, 2024. Since the application date was August 12, 2025, the start date would be ten days prior to that application date, which is August 2, 2024. The appellant is over the age of 19 and there was no evidence in the record that she is pregnant and therefore she was not eligible for an earlier start date.

For the above reasons, the appeal is therefore DENIED.

The right to appeal is subject to strict time limits. (130 CMR 610.015(B)). A fair hearing request is considered filed on the date the Board of Hearings (BOH) receives it in writing. (Id.). In most cases, BOH must receive the request within 60 days of the applicant or member receiving MassHealth's written notice, which must include the right to appeal and the deadline; unless there is evidence to the contrary, receipt is presumed five days after mailing. (130 CMR 610.015(B)(1)). In following cases, the deadline can be extended to 120 days (unless waived by the BOH Director or their designee): when MassHealth fails to act on an application or service request, fails to send written notice of an action, or in cases of alleged coercive or improper conduct—provided the appellant submits an affidavit to the BOH Director and proves at the hearing that they were justifiably unaware of the conduct or reasonably believed the issue was being resolved in good faith. (130 CMR 610.015(B)(2)).

The appellant's representatives argued that MassHealth should approve an earlier start date because they did not receive notification that her coverage had been terminated on June 14, 2024.

The record shows that the appellant was notified in March 2024 that she needed to reapply for MassHealth no later than May 10, 2024 in order to be considered for continuing eligibility. The record also shows that MassHealth sent the appellant a notice dated May 31, 2024 terminating MassHealth benefits as of June 14, 2024, because the appellant had not submitted the renewal by May 10, 2024. There is no evidence that the appellant or anyone working on the appellant's behalf appealed the May 31, 2024 notice.

MassHealth's termination notice dated May 31, 2024 is well outside the scope of this hearing because no timely fair hearing request was received within either 60 or 120 days of that date. BOH received the appeal on January 18, 2025.

With regard to the appellant's May 31, 2024 termination notice, the appeal is DISMISSED.

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.

Scott Bernard
Hearing Officer
Board of Hearings

cc:

[REDACTED]

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Quincy MEC, Attn: Appeals Coordinator, 100 Hancock Street, 6th Floor, Quincy, MA 02171