

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2502291
Decision Date:	04/15/2025	Hearing Date:	3/17/2025
Hearing Officer:	Patrick Grogan	Record Open to:	N/A

Appearance for Appellant:



Appearance for MassHealth:

Faisal Mugimu, Charlestown MEC

Interpreter:

N/A



*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:	Eligibility under 65, Start Date of Coverage
Decision Date:	04/15/2025	Hearing Date:	3/17/2025
MassHealth's Rep.:	Faisal Mugimu	Appellant's Rep.:	
Hearing Location:	Remote (Tel)	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 January 24, 2025, MassHealth approved the Appellant's application for MassHealth benefits beginning January 14, 2025 (see 130 CMR 502.006 and Exhibit 1). The Appellant filed this appeal in a timely manner on February 2, 2025. (see 130 CMR 610.015(B) and Exhibit 2). Imposition of a coverage date is a MassHealth action and is valid grounds for appeal (see 130 CMR 610.032(3)).

Action Taken by MassHealth

MassHealth approved the Appellant's application for MassHealth benefits beginning January 14, 2025. (see 130 CMR 502.006 and Exhibit 1).

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 502.006, in determining that the Appellant's MassHealth coverage begins January 14, 2025 (see 130 CMR 502.006 and Exhibit 1).

Summary of Evidence

The Appellant is a MassHealth member under the age of 65 who applied for MassHealth benefits. (Testimony) MassHealth testified that a new application for MassHealth benefits was received on January 24, 2024. (Testimony) The Appellant was approved for MassHealth CarePlus beginning on January 14, 2024. (Testimony, 130 CMR 502.006)

In the Appellant's Fair Hearing Request, the Appellant indicated that he was seeking retroactive coverage, for three months prior to the implemented coverage date. (Exhibit 2) The Appellant indicated that he was seeking MassHealth to cover a bill from before MassHealth coverage began. (Exhibit 2) The Appellant submitted a series of bills, all dated before the Application was received, and before MassHealth coverage began on January 14, 2025. (Exhibit 5) At Hearing, the Appellant stated that he was not seeking three months prior, he was only seeking coverage for the bills that he submitted (Exhibit 5) which predate the beginning of the coverage. (Testimony)

MassHealth explained that retroactive coverage could only be instituted for 10 days prior to the application date according to the computer system. (Testimony) MassHealth stated that MassHealth was not aware of any authority to grant retroactive coverage beyond the 10 days in the circumstances of the instant appeal. (Testimony). The Appellant responded that he was also unaware of any authority to grant retroactive coverage beyond the 10 days but was hopeful that it existed and was asking for help with the bills he submitted. (Testimony, Exhibit 5)

Findings of Fact

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

1. The Appellant applied for MassHealth benefits on January 24, 2025. (Testimony, Exhibit 1)
2. The Appellant has been approved for MassHealth CarePlus, beginning on January 14, 2025. (Testimony, Exhibit 1, 130 CMR 502.006)
3. The Appellant seeks retroactive coverage prior to the beginning of MassHealth coverage, January 14, 2025. (Exhibit 2)

Analysis and Conclusions of Law

The Appellant has the burden "to demonstrate the invalidity of the administrative determination." Andrews v. Division of Medical Assistance, 68 Mass. App. Ct. 228. See also Fisch v. Board of Registration in Med., 437 Mass. 128, 131 (2002); Faith Assembly of God of S.

Dennis & Hyannis, Inc. v. State Bldg. Code Commn., 11 Mass. App. Ct. 333, 334 (1981); Haverhill Mun. Hosp. v. Commissioner of the Div. of Med. Assistance, 45 Mass. App. Ct. 386, 390 (1998).

The Appellant requests retroactive coverage for bills incurred prior to MassHealth's coverage beginning on January 14, 2025. (Exhibit 2) The controlling Regulation can be found at 130 CMR 502.006(A)(2)(a):

502.006: Coverage Dates

(A) Start Date of Coverage for Applicants. For individuals applying for coverage, the date of coverage for MassHealth is determined by the coverage type for which the applicant may be eligible. 130 CMR 505.000: Health Care Reform: MassHealth: Coverage Types describes the rules for establishing this date, except as specified in 130 CMR 502.003(E)(1), (F)(2), and (H)(2).

(1) The start date of coverage for individuals approved for benefits under provisional eligibility is described at 130 CMR 502.003(E)(1).

(2) The start date of coverage for individuals who do not meet the requirements for provisional eligibility, as described at 130 CMR 502.003(E)(2)(a), is described at 130 CMR 502.006(A)(2)(a) through (c), except individuals described at 130 CMR 502.006(C).

(a) For individuals who submit all required verifications within the 90-day time frame, the start date of coverage is determined upon receipt of the requested verifications and coverage begins ten days prior to the date of application, except as specified in 130 CMR 506.006(C).

In the instant appeal, the new application was received on January 24, 2025. MassHealth was able to approve the Appellant for MassHealth CarePlus, beginning on January 14, 2025, 10 days prior to the date of the application. (Testimony, Exhibit 1) MassHealth's administrative determination comports with the explicit dictates of 130 CMR 502.006(A)(2)(a). Accordingly, on this record, the Appellant has not met the burden, by a preponderance of evidence, to show that the MassHealth determination is invalid. 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.

Patrick Grogan
Hearing Officer
Board of Hearings

MassHealth Representative: Thelma Lizano, Charlestown MassHealth Enrollment Center, 529 Main Street, Suite 1M, Charlestown, MA 02129