

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Approved	Appeal Number:	2504761
Decision Date:	6/4/2025	Hearing Date:	05/01/2025
Hearing Officer:	Casey Groff		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Ariel Cooper, Tewksbury MEC



*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:	Approved	Issue:	Community Eligibility, Under 65; Coverage Start Date
Decision Date:	6/4/2025	Hearing Date:	05/01/2025
MassHealth's Rep.:	Ariel Cooper	Appellant's Rep.:	<i>Pro se</i>
Hearing Location:	BOH, Remote	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 2/11/25, MassHealth notified the Appellant that she was approved for MassHealth CarePlus with a coverage start date of 2/1/25. *See* Exhibit 1. Appellant filed this appeal in a timely manner on 3/24/25 to challenge the coverage start date. *See* 130 CMR 610.015(B) and Exhibit 2. An agency action to limit or reduce the scope of assistance is a valid ground for appeal. *See* 130 CMR 610.032.

Action Taken by MassHealth

MassHealth approved Appellant for CarePlus with an effective start date of 2/1/25, which left her with a gap in coverage

Issue

The appeal issue is whether MassHealth correctly reactivated Appellant's CarePlus benefit with an effective start date of 2/1/25, and whether Appellant is entitled to an earlier coverage start date.

Summary of Evidence

A MassHealth eligibility representative appeared at the hearing by telephone and testified as follows: Appellant is an adult MassHealth member between the ages of 21 and 64. She resides in a household size of one (1). For all relevant times, Appellant has been listed as unemployed and having \$0 income. On 11/4/24, MassHealth notified Appellant that her CarePlus benefit would be ending on 11/18/24 because she failed to return a job update form by the required deadline. According to the MassHealth representative, the 11/4/24 notice was sent to the address listed on Appellant's case (hereinafter "Address #1"). In reviewing Appellant's case history, all MassHealth notices had been going to Address #1 since May of 2021 as this was the only address on file during that time period. On 2/11/25, after her CarePlus benefit ended, Appellant contacted MassHealth and returned the completed job update form. On the form, Appellant reported that she continued to be unemployed with \$0 income. At or around this time, Appellant also provided MassHealth with an updated address (hereinafter "Address #2").

The MassHealth representative explained that to qualify for CarePlus, the individual must have income that does not exceed 133% of the federal poverty level (FPL). Upon receiving verification that Appellant had \$0 income, MassHealth issued a notice, dated 2/11/25, informing Appellant that she was approved for CarePlus with an effective coverage start date of 2/1/25. *See* Exh. 1. The MassHealth representative testified that per regulations, MassHealth can only implement coverage 10 days retroactive to the date all eligibility factors are established. Because MassHealth did not receive the completed job update form until 2/11/25, the earliest start date permitted under the regulations is 2/1/25. Therefore, Appellant has a gap in coverage between 11/19/24 and 1/31/25. The MassHealth representative testified that during the gap in coverage, there was no information on file to suggest that Appellant was employed or had income above the allowable limit during this period. According to the information on file, Appellant would otherwise have been eligible for benefits had she completed the job update form in a timely manner assuming all eligibility factors remained the same.

Appellant testified that she never received notice that she needed to submit a job update form, nor did she receive the 11/4/24 termination notice. Appellant testified that she only became aware that she no longer had MassHealth coverage until her providers informed her that MassHealth was not paying for medical appointment and physical therapy claims submitted on her behalf. Appellant testified that she received the bill for at least one of the PT appointments which was for \$244.80. Appellant testified that she cannot afford to pay this amount or other incurred medical expenses.

Appellant asserted that the MassHealth sent the 11/4/24 notice and preceding notices to the incorrect address. Appellant testified that Address #1 is her mother's address which she used as an "emergency address" in the past. However, she has been living at Address #2 since 2022 and believed that she updated MassHealth accordingly around the time she moved. Appellant testified that over the past year she has remained consistently unemployed with \$0 income, including the 2-and-a-half-month period where she did not have MassHealth coverage.

Findings of Fact

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

1. Appellant is an adult MassHealth member between the ages of 21 and 64 and is in a household size of 1.
2. Appellant is unemployed and has \$0 income.
3. On 11/4/24, MassHealth notified Appellant that her CarePlus benefit would be ending on 11/18/24 because she failed to return a job update form by the required deadline.
4. On 2/11/25, after her CarePlus benefit ended, Appellant contacted MassHealth and returned a completed job update form through which she reported that she was unemployed and receiving \$0 income.
5. After receiving the outstanding verification, and based on Appellant's attestation of \$0 income, MassHealth notified Appellant, via a letter dated 2/11/25, that she was approved for CarePlus effective 2/1/25.
6. Appellant had a gap in her CarePlus coverage between 11/19/24 and 1/31/25, during which she incurred out of pocket medical expenses.
7. At all relevant times, including the 11/19/24 and 1/31/25 gap in coverage, Appellant has been unemployed and has received \$0 income.

Analysis and Conclusions of Law

MassHealth regulations at 130 CMR 502.006 describe the protocols for determining an applicant or member's coverage start date. Subsection (d) of this regulation, states, in relevant part, the following:

(d) For individuals denied for failure to provide verification of requested information who then provide requested verifications or report changes after the denial, the start date of coverage...

2. [...] will begin ten days prior to the date of receipt of all requested verifications or reported change...

See 130 CMR 502.006(A)(2)(d).

Pursuant to this authority, MassHealth appropriately reapproved Appellant for CarePlus with an effective start date of 2/1/25, which is 10 days prior to 2/11/25 – the date MassHealth received Appellant’s outstanding job update form.

In addition, when a party timely appeals a MassHealth action, the hearing officer, in accordance with MassHealth Fair Hearing Rules at 130 CMR 610.00 *et. seq.* may consider evidence of eligibility as follows:

The hearing officer will not exclude evidence at the hearing for the reason that it had not been previously submitted to the acting entity, provided that the hearing officer may permit the acting entity representative reasonable time to respond to newly submitted evidence. ***The effective date of any adjustments to the appellant's eligibility status will be the date on which all eligibility conditions were met, regardless of when the supporting evidence was submitted.***

See 130 CMR 610.071(A)(2) (emphasis added).

The evidence shows that, despite having failed to submit verifications by the required deadline, Appellant continued to meet all categorical and financial eligibility requirements to remain eligible for CarePlus. See 130 CMR 505.008(A). Appellant testified, under oath, that for all relevant times – including the 11/19/24 and 1/31/25 gap in coverage, she has been unemployed and had \$0 income. As this places Appellant below 133% of the federal poverty level (FPL), Appellant demonstrated she was eligible for CarePlus following the date her coverage ended on 11/18/24. Therefore, in accordance with 130 CMR 610.071(A)(2), above, Appellant has demonstrated that her CarePlus coverage may be adjusted to a 11/19/24 start date.

Based on the foregoing, the appeal is APPROVED.

Order for MassHealth

With respect to the 2/11/25 approval notice under appeal, adjust the retroactive coverage start date to 11/19/24, thereby closing the gap in Appellant’s CarePlus coverage.

Implementation of this Decision

If this decision is not implemented within 30 days after the date of this decision, you should contact your MassHealth Enrollment Center. If you experience problems with the implementation

of this decision, you should report this in writing to the Director of the Board of Hearings, at the address on the first page of this decision.

Casey Groff
Hearing Officer
Board of Hearings

MassHealth Representative: Sylvia Tiar, Tewksbury MassHealth Enrollment Center, 367 East Street, Tewksbury, MA 01876-1957