

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2506035
Decision Date:	05/29/2025	Hearing Date:	05/23/2025
Hearing Officer:	Radha Tilva		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
John Prout, Springfield MEC Rep.



*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
Decision Date:	05/29/2025	Hearing Date:	05/23/2025
MassHealth’s Rep.:	John Prout	Appellant’s Rep.:	Pro se
Hearing Location:	Springfield (telephonic)	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 April 10, 2025, MassHealth determined that appellant is eligible for MassHealth Standard with Medicare Savings Program effective March 31, 2025 (Exhibit 1). The appellant filed this appeal in a timely manner on April 16, 2025, seeking retroactive coverage of his Medicare Savings Program (see 130 CMR 610.015(B) and Exhibit 2). Denial of assistance is valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth determined that appellant is approved for MassHealth Standard benefits with Medicare Savings Program effective March 31, 2025.

Issue

The appeal issue is whether MassHealth was correct in determining that appellant was approved for MassHealth Standard with Medicare Savings Program effective March 31, 2025.

Summary of Evidence

The MassHealth representative and appellant both appeared by telephone. The MassHealth representative testified that appellant, who is under the age of 65, was approved for MassHealth Standard and the Medicare Savings Program (MSP) on April 10, 2025, effective March 31, 2025. The appellant had called into customer service on April 10, 2025, to report a change in income and to report that he was no longer incarcerated (Exhibit 6).¹ The administrative closure was subsequently closed, and the benefits that he had prior to his incarceration period were restored triggering the April 10, 2025, approval notice (*Id.*). The MassHealth representative explained that a person is considered incarcerated if they are confined to a penal institution and, under MassHealth regulations, are not eligible for MassHealth benefits while incarcerated (130 CMR 501.001(6)). The representative explained that prior to his incarceration appellant used to receive MassHealth Standard and MSP, which helped pay appellant's Medicare premium of approximately \$185.00, per month. The benefits were terminated October 21, 2024, as appellant was incarcerated, per notice dated October 7, 2024 (Exhibit 5).

The appellant did not contest that while incarcerated he was not eligible for MassHealth insurance benefits and that those benefits along with his Medicare should have stopped. The appellant reported that he was incarcerated from approximately [REDACTED]. While he was incarcerated, the Social Security Administration (SSA) took \$185.00 a month from his check for his Medicare premium as MassHealth had stopped paying the premium. The appellant testified that he appealed the notice because he wants to be reimbursed for the Medicare premium that was being deducted from his Social Security benefit while he was incarcerated. The appellant believes that his Medicare coverage should have stopped while he was incarcerated. It was explained to appellant that Medicaid/MassHealth paid for his Medicare premium when he was eligible for MassHealth, but that Medicaid does not continue to do so when he is not eligible for MassHealth. It was also explained that appellant could reach out to Medicare with respect to questions regarding reimbursement of his Medicare premium.

Findings of Fact

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

1. Appellant is under the age of 65 and was approved for MassHealth Standard and the Medicare Savings Program (MSP) on April 10, 2025, effective March 31, 2025.
2. The appellant called into MassHealth on April 10, 2025, to report a change in his income and to self-attest that he was no longer incarcerated.

¹ The approval notice indicates that appellant has a household size of one with a monthly household income at 57.19% of the federal poverty level (Exhibit 1).

3. The appellant was incarcerated from roughly [REDACTED]
4. Prior to his incarceration, the appellant used to receive MassHealth Standard and MSP, which helped pay appellant's Medicare premium of approximately \$185.00, per month.
5. Per a previous MassHealth notice dated October 7, 2024, the benefits were terminated October 21, 2024, as appellant was incarcerated.
6. The appellant did not appeal the October 7, 2024, MassHealth notice terminating his benefits.
7. The appellant's Medicare premium was not reimbursed by MassHealth during his incarceration and the premium was deducted from his Social Security benefit.
8. Appellant's only dispute is that he should not have had to pay his Medicare premium during his incarceration.

Analysis and Conclusions of Law

It is undisputed that as a condition of eligibility, an applicant or member must be a resident of the Commonwealth of Massachusetts (130 CMR 503.002). Under 130 CMR 503.002(H) inmates of penal institutions may not receive MassHealth benefits except under one of the following conditions, if they are otherwise eligible for MassHealth: (1) they are inpatients in a medical facility; or (2) they are living outside of the penal institution, are on parole, probation, or home release, and are not returning to the institution for overnight stays.

Appellant is not contesting the type of coverage he was approved for (MassHealth Standard and MSP), but rather, is looking to receive assistance with his Medicare premium for the months that he was incarcerated, during which SSA deducted the premium from his benefit check. The appellant was terminated from MassHealth Standard benefits after MassHealth received notification that he was incarcerated, and his benefits were terminated on October 21, 2024. The regulation above makes clear that inmates of penal institutions may not receive MassHealth benefits. Thus, MassHealth did not err in terminating appellant's MassHealth Standard and MSP coverage. The appellant called in on April 10, 2025, to report a change in his income and to self-attest that he was no longer incarcerated. MassHealth reinstated benefits effective March 31, 2025, finding appellant eligible for MassHealth Standard benefits with the Medicare Savings Program.

Under 130 CMR 519.010(C), the begin date for MSP coverage is the first day of the calendar month following the date of the MassHealth eligibility determination. Following this, MSP coverage

should not have started until May 1, 2025, as the eligibility determination was made on April 10, 2025. For MassHealth Standard, coverage will begin 10 days prior to the date of receipt of a reported change (130 CMR 502.006(A)(d)(2)). Since the appellant made the change on April 10, 2025, MassHealth did not err in determining that he was eligible with a start date of March 31, 2025.

For the foregoing reasons, 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.

Radha Tilva
Hearing Officer
Board of Hearings

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