

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



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|-------------------------|-------------------|-----------------------|------------|
| Appeal Decision: | Denied | Appeal Number: | 2508909 |
| Decision Date: | 10/20/2025 | Hearing Date: | 09/22/2025 |
| Hearing Officer: | Susan Burgess-Cox | | |

Appearance for Appellant:



Appearance for MassHealth:

Kelly Souza



*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

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|---------------------------|--------------------------------------|--------------------------|---|
| Appeal Decision: | Denied | Issue: | Community Eligibility – Over 65 Coverage End Date |
| Decision Date: | 10/20/2025 | Hearing Date: | 09/22/2025 |
| MassHealth’s Rep.: | Kelly Souza | Appellant’s Rep.: | ██████████ |
| Hearing Location: | All Parties Appeared by Telephone | 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 May 13, 2025, MassHealth ended community-based coverage as of ██████████ as their records show that the appellant passed away. (130 CMR 503.002; 130 CMR 517.002; Exhibit 1). A request for hearing was filed on June 16, 2025, by a firm stating that they were hired by the nursing facility to obtain the appointment of a Personal Representative for the appellant’s estate. (130 CMR 610.015(B); Exhibit 2; Exhibit 3). The documents submitted include a petition for formal adjudication; a citation on petition for formal adjudication; and a death certificate. (Exhibit 2). The Board of Hearings dismissed the appeal as the parties did not include a request for hearing form naming an appeal representative. (130 CMR 610.034; 130 CMR 610.035; Exhibit 3). In response to this notice, the parties filing the request for hearing provided a copy of a request for hearing form signed by the individual listed on the petition. (Exhibit 4). Upon receipt of all the proper documentation, the Board of Hearings placed the appeal on hold to allow the representatives time to submit a certified probate appointment. (130 CMR 610.016; Exhibit 5).

The parties filing the appeal provided a copy of a decree and appointment dated July 22, 2025, along with a request for hearing signed by an individual listed as the personal representative of the appellant’s estate. (Exhibit 6; Exhibit 7). The Board of Hearings scheduled a hearing for September 11, 2025. (130 CMR 610.000; Exhibit 8). The Board of Hearings rescheduled the hearing for September 22, 2025. (Exhibit 9). The appellant’s representative testified that the hearing was

rescheduled as there was no MassHealth worker present for the hearing.

An agency action to terminate benefits is valid grounds for appeal. (130 CMR 610.032).

Action Taken by MassHealth

MassHealth terminated the appellant's coverage on [REDACTED] because she passed away. (130 CMR 503.007; 130 CMR 517.002).

Issue

Whether MassHealth was correct in terminating the appellant's coverage on [REDACTED] because she passed away. (130 CMR 503.007; 130 CMR 517.002).

Summary of Evidence

All parties appeared by telephone. The appellant was eligible for MassHealth while residing in the community. The appellant passed away on [REDACTED]. On May 13, 2025, MassHealth issued a notice terminating coverage as of the date of the appellant's death. The MassHealth representative testified that when a member passes away their coverage terminates. The appellant's representative testified that she was unaware of what notice was being appealed but acknowledged the appellant's date of death.

The appellant's representative testified that the appellant was in a long-term care facility from [REDACTED] to the date of her death and the facility was looking for her coverage to convert from community-based care to long-term care for that period of time.

The MassHealth representative testified that the agency issued a request for information in June 2025 as they needed additional information to determine the appellant's eligibility for long-term care. The MassHealth representative testified that the agency issued a notice in August 2025 denying long-term care coverage for failure to provide information necessary to determine eligibility. The appellant's representative acknowledged that they did not appeal the August 2025 notice as of the date of the hearing in September 2025. As of the date of this hearing, the appellant's representative did not have all the information necessary to determine eligibility. The appellant's representative still had time to appeal a decision issued in August 2025 as of the date of this hearing.¹

The parties agreed that the appellant was eligible for MassHealth community-based coverage until the date of her death.

¹ As of the date of this decision, the appellant's representative has another hearing scheduled for this appellant at another MassHealth Enrollment Center.

Findings of Fact

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

1. The appellant was eligible for MassHealth while residing in the community.
2. The appellant passed away on [REDACTED]
3. MassHealth terminated coverage as of [REDACTED] due to the appellant's death.

Analysis and Conclusions of Law

All MassHealth applicants and members must meet the requirements of 130 CMR 517.000. These requirements include being a resident of the Commonwealth of Massachusetts. (130 CMR 516.002). When one is deceased, they are no longer a resident of the Commonwealth of Massachusetts so they are no longer eligible for MassHealth.

The decision made by MassHealth terminating coverage due to the appellant's death is correct.

In addition to the notice issued regarding the appellant's ineligibility due to her death, the parties raised issues regarding a notice issued in August 2025 regarding eligibility for long-term care. As of the date of the hearing in September 2025, the appellant's representatives still had the opportunity to appeal notices issued in August 2025.

Order for MassHealth

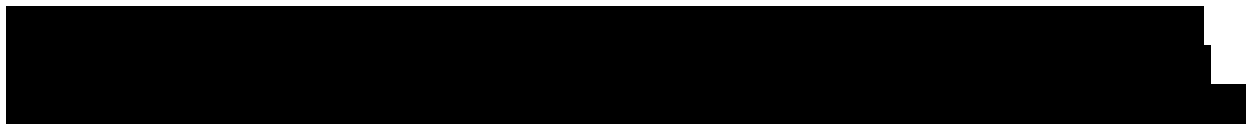
None.

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.

Susan Burgess-Cox
Hearing Officer
Board of Hearings

cc:



MassHealth Representative: Justine Ferreira, Taunton MassHealth Enrollment Center, 21 Spring St., Ste. 4, Taunton, MA 02780