

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied in part; Dismissed in part	Appeal Number:	2512012
Decision Date:	11/07/2025	Hearing Date:	09/17/2025
Hearing Officer:	Casey Groff, Esq.		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Alyssa Smalley, Ongoing Unit, 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:	Denied in part; Dismissed in part	Issue:	Eligibility; Over 65; MSP; Start Date
Decision Date:	11/07/2025	Hearing Date:	09/17/2025
MassHealth's Rep.:	Alyssa Smalley	Appellant's Rep.:	<i>Pro se</i>
Hearing Location:	Board of Hearings, 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 8/13/25, MassHealth approved Appellant for the Medicare Savings Program (MSP) benefit with an effective start date of 9/1/25. *See* Exh. 1. On the same date the notice was issued, MassHealth adjusted the coverage to become effective 3/1/25. On 8/15/25, Appellant filed a timely appeal to contest the effective date of coverage. *See* 130 CMR 610.015(B) and Exhibits 2. A challenge to the scope of assistance is valid grounds for appeal. *See* 130 CMR 610.032

Action Taken by MassHealth

MassHealth approved Appellant for the Medicare Savings Program "Buy-In" benefit with a start date of 3/1/25.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 519.010, in determining the effective date of Appellant's MSP coverage.

Summary of Evidence

A MassHealth benefits and eligibility representative appeared at the hearing and testified that Appellant is over the age of 65 and is a Medicare recipient. For background, the MassHealth representative explained that Appellant had been enrolled in the Medicare Savings Program (MSP) benefit (previously referred to as “Buy-In”) since 2018 but that her benefit was terminated on 11/7/24. According to system notes, MassHealth issued a termination notice in October of 2024 advising Appellant that her benefit would close due to failure to complete a renewal. On 1/30/25, Appellant submitted a new MSP application. The application was denied because MassHealth determined that Appellant was “not a Massachusetts resident.” The MassHealth representative testified that, at the time of the January application, Appellant had checked a box indicating that she was homeless but had also listed an out-of-state mailing address. The MassHealth representative testified that the denial resulted from the application being processed as an out-of-state application, though Appellant was, in fact, homeless and living in Massachusetts. No appeal was filed on the 1/30/25 denial notice.

The MassHealth representative testified that there was no activity on the case until 8/13/25, when Appellant visited a MassHealth Enrollment Center to re-apply for MSP benefits and to clarify her residency situation. During this meeting, MassHealth verified that Appellant was, in fact, a Massachusetts resident, and that her income was under 190 percent of the federal poverty level (FPL), which, for a single individual, is \$2,478 per month to qualify for the MSP Qualified Medicare Beneficiary (QMB) benefit. Based on the new eligibility determination, the system generated a notice, dated 8/13/25, informing Appellant that she was approved for MSP-QMB coverage effective 9/1/25. The MassHealth representative explained that the 9/1/25 start date was auto generated in accordance with MassHealth regulations which require MSP-QMB coverage to begin on the first day of the month following the eligibility determination. However, based on Appellant’s explanation regarding the mix-up of her residency from the last application, a MassHealth manager manually adjusted Appellant’s MSP start date to make it retroactive to 3/1/25.

Appellant testified that, despite the retroactive adjustment, she still has a gap in her MSP benefit from when she lost coverage in November of 2024 through February 2025. Appellant did not recall completing a January 2025 MSP application but asserted that she would have completed the renewal application in October of 2024, and because all eligibility factors remained the same, she should never have lost coverage. Appellant testified that she has been a Massachusetts resident since 2013, and her income has not changed. She has an out of state mailing address because her friend, who handles all her mail, lives out of state. Appellant asserted that her MSP coverage should be backdated further, so that she can be reimbursed for the months that her Medicare premium was erroneously taken out of her Social Security income.

Findings of Fact

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

1. Appellant is over the age of 65, she is a Massachusetts resident, and a Medicare recipient.
2. In October of 2024, MassHealth issued a termination notice advising Appellant that her MSP coverage would end on 11/7/24 for failure to complete a renewal.
3. On 1/30/25, Appellant submitted a new MSP application, in which she noted she was homeless and provided an out-of-state mailing address.
4. MassHealth denied the 1/30/25 MSP application based on a determination that Appellant was “not a Massachusetts resident.”
5. On 8/13/25, Appellant submitted an in-person application for MSP benefits at an enrollment center, during which she verified all eligibility factors, including income and her Massachusetts residency.
6. Through a notice dated 8/13/25, MassHealth informed Appellant that she was approved for MSP-QMB coverage effective 9/1/25.
7. On 8/15/25, Appellant filed a timely appeal of the 8/13/25 notice, contesting the effective date of her MSP coverage.
8. During her in person visit at the MassHealth enrollment center, a manager adjusted Appellant’s MSP effective date to 3/1/25 in response to Appellant’s concern that the prior denial had based on an erroneous residency determination.
9. Appellant has a gap in her MSP benefit from 11/7/24 through February of 2025

Analysis and Conclusions of Law

The categorical requirements and financial standards for the MSP-QMB benefit are described in 130 CMR 519.010, and state, in relevant part with emphasis added, the following:

- (A) Eligibility Requirements. MSP (Buy-in) QMB coverage is available to Medicare beneficiaries who
- (1) are entitled to hospital benefits under Medicare Part A;
 - (2) have a countable income amount (including the income of the spouse with whom he or she lives) that is less than or equal to 190% of the federal poverty level;

.....
(B) Benefits. The MassHealth agency pays for Medicare Part A and Part B premiums and for deductibles and coinsurance under Medicare Parts A and B for members who establish eligibility for MSP coverage in accordance with 130 CMR 519.010(A).

(C) Begin Date. ***The begin date for MSP coverage is the first day of the calendar month following the date of the MassHealth eligibility determination.***

There is no dispute that Appellant meets all eligibility requirements to qualify for the MSP-QMB benefit. Rather, the sole issue on appeal is whether MassHealth correctly determined the effective start date of her MSP coverage in accordance with the applicable regulations and program requirements. The evidence indicates that upon processing Appellant's 8/13/25 MSP application, which was completed in-person, MassHealth issued an approval notice, dated 8/13/25 with an MSP eligibility start date of 9/1/25. See Exh. 1. The effective start date, as reflected in the notice, was correct under 130 CMR 519.010(C), as it represents the first day of the month following the August 2025 eligibility determination. The evidence also indicates that during Appellant's 8/13/25 visit, MassHealth manually adjusted Appellant's effective MSP date to 3/1/25, in response to her concern that the January 2025 denial was based on an erroneous residency determination. In doing so, MassHealth effectively granted six months of additional MSP coverage in Appellant's favor.

Appellant contends that her MSP benefit should have been made retroactive to November of 2024 to close her existing gap in coverage. In support thereof, Appellant argued both the October 2024 termination notice and the January 2025 denial notice were erroneous, and she should have had continuous coverage as all eligibility factors remained the same. To appeal a MassHealth action, however, the aggrieved party must file an appeal with the Board of Hearings (BOH) within 60 days of receiving the written notice in dispute. See 130 CMR 610.015(B)(1). Appellant filed her fair hearing request with BOH on 8/15/25 - well beyond sixty days from either the October 2024 or January 2025 notices. As such, BOH does not have authority to adjudicate the earlier notices, and any challenge to their validity is beyond the scope of this appeal. To the extent Appellant seeks to challenge the earlier notices, the appeal is DISMISSED as untimely. See 130 CMR 610.035(A)(1) (BOH will dismiss a request for a hearing when the request is not received within the time frame specified in 130 CMR 610.015).

Appellant's 8/15/25 fair hearing request was timely only with respect to the 8/13/25 approval notice. See 130 CMR 610.015(B), Exh. 2. As discussed above, the evidence demonstrates that MassHealth was correct, in accordance with 130 CMR 519.010(C), in establishing a 9/1/25 start date, and in fact, MassHealth opted to grant coverage to 3/1/25 – beyond what the regulations require. As there is no legal authority or regulatory exception to extend coverage prior to 3/1/25, the 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.

Casey Groff, Esq.
Hearing Officer
Board of Hearings

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