

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	APPROVED	Appeal Number:	2514444
Decision Date:	12/18/2025	Hearing Date:	10/30/2025
Hearing Officer:	Kenneth Brodzinski	Record Open to:	10/31/2025

Appearance for Appellant:

Pro se

Appearance for MassHealth:

Melanie Hebert

Interpreter:



*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:	Under 65 Community Eligibility – Post Partum Coverage
Decision Date:	12/18/2025	Hearing Date:	10/30/2025
MassHealth’s Rep.:	Melanie Hebert	Appellant’s Rep.:	Pro se
Hearing Location:	Springfield MEC		

Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder.

Jurisdiction

Through notice dated October 3, 2025, MassHealth informed Appellant that she would be eligible for Masshealth Limited and Health Safety Net as of October 1, 2025 (see 130 CMR and [Exhibit A](#)). Appellant filed this appeal in a timely manner on October 3, 2025 (see 130 CMR 610.015(B) and [Exhibit A](#)). Eligibility determinations constitute valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth determined that Appellant would be eligible for Masshealth Limited and Health Safety Net as of October 1, 2025.

Issue

The appeal issue is whether MassHealth properly applied the controlling regulation(s) to accurate facts when it determined that Appellant would be eligible for Masshealth Limited and Health Safety Net as of October 1, 2025.

Summary of Evidence

Both parties appeared by telephone.

The testimony was lengthy due to considerable confusion arising from the fact that over the past year, Appellant was open at various times on four different cases causing multiple information requests and changes in her coverage. By the end of the hearing, MassHealth acknowledged that Appellant had a child [REDACTED] and her MassHealth Standard benefits never should have been closed, but for mistakes made by MassHealth systems which at various times did not pick up the fact that Appellant had a child [REDACTED] and prematurely terminated her MassHealth Standard coverage.

At the outset of the hearing, The MassHealth representative testified that in preparation for the hearing, she discovered that Appellant's Standard should have remained in place and reinstated it with no gaps in coverage. According to the Masshealth representative, Appellant's Standard was to remain in place until November 30, 2025.

Appellant appeared on her own behalf and explained that prior to losing her Standard benefits, she was receiving physical therapy following back surgery. The PT stopped when the Standard was terminated on July 29, 2025. Appellant also testified that she had [REDACTED] scheduled to help relieve her back pain, but she lost the surgical date when she lost her Standard coverage. Appellant explained that she wants to have her Standard extended for three months to make up for the three months she lost due to the MassHealth error. Appellant hopes to be able to restart her PT and have the surgery that had to be cancelled because of the termination of her Standard benefits in July 2025.

The record was left open for one day to allow the Masshealth representative to consult with her superiors to see if Appellant's request could be granted. The day after the hearing, the Masshealth representative filed an email which explained that after consulting with her superiors, MassHealth concluded that the controlling regulations 130 CMR 505.002(D)(3) and (4) only allow for Standard coverage to continue to the end of the twelfth month after the birth of the child. Because Appellant's child was born in [REDACTED] and that MH restored Standard coverage retroactively to make up for the error of prematurely terminating Appellant's Standard, Appellant is not entitled to have her Standard coverage extend beyond [REDACTED] (Exhibit B).

Findings of Fact

By a preponderance of the evidence, this record supports the following findings:

1. Appellant was open on MassHealth at various times on four different cases causing multiple information requests and changes in her coverage.
2. Appellant gave birth to a child in [REDACTED] and was granted post-partum coverage through the MassHealth Standard program.
3. Due to an error on MassHealth's part, MassHealth prematurely terminated Appellant's Standard as of July 29, 2025.
4. In preparation for the hearing held October 30, 2025, MassHealth discovered the error and granted MassHealth Standard coverage retroactively to close any gaps.
5. Appellant's Standard was to remain in place until [REDACTED].
6. Prior to losing her Standard benefits, Appellant was receiving physical therapy following back surgery.
7. The PT stopped when the Standard was terminated on July 29, 2025.
8. Appellant also [REDACTED] scheduled to help relieve her back pain, but she lost the surgical date when she lost her Standard coverage.

Analysis and Conclusions of Law

MassHealth has not properly applied the controlling regulations to the facts.

Masshealth regulation 130 CMR 505.002 in pertinent part states (emphasis supplied):

(D) Eligibility Requirements for People who are Pregnant.

(1) A person who is pregnant is eligible if

(a) the modified adjusted gross income of the MassHealth MAGI household is less than or equal to 200% of the federal poverty level (FPL); and

(b) the individual is a citizen as described in 130 CMR 504.002: U.S. Citizens, lawfully present immigrant, nonqualified PRUCOL, or other noncitizen as described in 130 CMR 504.003: Immigrants.

(2) In determining the MassHealth MAGI household size, the unborn child or children are counted as if born and living with the mother.

(3) Eligibility, once established, continues for the duration of the pregnancy.

(4) Eligibility for postpartum care for pregnant individuals who meet the requirements of 130 505.002(B)(2) and (3), (C) through (H), and (L) continues for 12 months following the termination of the pregnancy plus an additional period extending to the end of the month in which the 12-month period ends.

The above-cited regulation entitled Appellant to Standard benefits for 12 months plus the remainder of the 12th month after delivery of her child. MassHealth acknowledged that through no fault of Appellant and due to an error on the part of MassHealth, Appellant lost her Standard coverage from the end of July to the end of October 2025. The fact that MassHealth reinstated Appellant's Standard and made it retroactive to close any gap, does not fully correct the error insofar as it does not restore all of the access to health care benefits that Appellant was/is entitled to pursuant to the regulation. While Appellant was without her Standard coverage, she could not access health care. MassHealth retroactively covering the period when Appellant was unable to access otherwise covered health services is basically meaningless. The retroactive restoration of coverage does not restore the full benefit of 12+ months of postpartum health care covered by the Masshealth Standard program. The only way to restore Appellant to what she was/is entitled to under the regulation, is to grant her the three months of access to health care that she lost due to MassHealth's error.

For the foregoing reasons, the appeal is APPROVED.

Order for MassHealth

Extend Appellant's MassHealth Standard benefits for 90 days after November 30, 2025. Standard benefits to continue up through and including February 28, 2026.

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 the Enrollment Center gives you any problems with implementing 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.

Kenneth Brodzinski
Hearing Officer
Board of Hearings

MassHealth Representative: Dori Mathieu, Springfield MassHealth Enrollment Center, 243 Cottage Street, Springfield, MA 01104, 413-785-4186