

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Approved	Appeal Numbers:	2515085; 2515041
Decision Date:	11/21/2025	Hearing Date:	11/13/2025
Hearing Officer:	Mariah Burns		

Appearance for Appellant:

Pro se

Appearances for MassHealth:

Carmen Fabery, Maximus Premium Billing;
Michael Rossi, Quincy MassHealth Enrollment
Center



*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; Premium Billing; Hardship Waiver
Decision Date:	11/21/2025	Hearing Date:	11/13/2025
MassHealth's Reps.:	Karishma Raja; Michael Rossi	Appellant's Rep.:	Pro se
Hearing Location:	Quincy (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 July 2, 2025, MassHealth denied the appellant's application for a hardship waiver of her MassHealth premium. *See* 130 CMR 506.011(F) and Exhibit 1. The appellant filed a request for fair hearing in a timely manner on September 5, 2025. *See* 130 CMR 610.015(B) and Exhibit 2. MassHealth terminated the appellant's MassHealth CommonHealth benefits through a notice dated September 30, 2025, for a failure to pay past due premiums. *See* 130 CMR 506.011(E)(2) and Exhibit 1. The appellant filed a request for fair hearing with respect to that notice on October 16, 2026. *See* Exhibit 2. Denial of assistance is valid grounds for appeal. *See* 130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied the appellant's application for a hardship waiver of her premium and terminated her benefits for failure to pay past-due premiums.

Issue

The appeal issue is whether the appellant demonstrated that she meets the requirements for a hardship waiver of her MassHealth CommonHealth premium, and whether MassHealth correctly terminated her CommonHealth benefits for failure to pay past-due premiums.

Summary of Evidence

The appellant is an adult under the age of 65 who, prior to the September 30, 2025 notice, received MassHealth CommonHealth benefits. MassHealth was represented by a worker from the Quincy MassHealth Enrollment Center and a worker from the Premium Billing Department. All parties appeared at the hearing by telephone. The following is a summary of the testimony and evidence provided at the hearing.

The appellant was previously approved for a hardship waiver of her MassHealth CommonHealth premium from July 2024 until its expiration in June 2025. On May 8, 2025, MassHealth sent a notice approving the appellant for MassHealth CommonHealth benefits and imposing a monthly premium of \$46.80 effective June 2025.¹ The appellant applied for a hardship waiver of her premium payments on July 2, 2025, which was denied on that date on the grounds that she does not meet the criteria for extreme financial hardship. She appealed that notice on September 5, 2025. However, MassHealth terminated her MassHealth CommonHealth benefits on September 30, 2025, with an effective date of October 14, 2025, for failure to pay past-due premiums for July, August, and September of 2025.² The appellant appealed that notice on October 16, 2025, and the cases were consolidated into one hearing.

In support of her appeal, the appellant submitted documentation from her condominium association, including letters stating that her condo fees and condo insurance would both be increasing for 2025. The Premium Billing worker reported that the documentation was not sufficient because it did not state the amount of the appellant's previous condo fees and insurance payments. The appellant reported that in 2023, a pipe burst in at least one of the condo buildings that resulted in serious damage throughout the complex, the cost of which was passed on to the owners of the individual units. She testified that her previous condo fees were \$524.00 per month, which skyrocketed to \$988.00 at the end of 2024. She stated that the fees are not that high at the moment, but that she was assured that there would only be a temporary increase.

¹ On August 13, 2025, the appellant's premium increased to \$57.20 starting in September 2025 due to an increase in the appellant's verified income.

² I note, for the record, that the appellant's benefits should not have been terminated for past-due premiums while she had an appeal pending for the denial of her application for a hardship waiver of her premium payments. However, for the reasons stated herein, that issue is now moot.

However, she reported that her current fees for 2025 are \$730.00 per month, and she expects them to remain that high for the next five years. She also testified that her monthly condo insurance was previously \$286.00 and is now \$466.00. Finally, she reported that a neighbor started smoking indoors, which led to smoke coming into her unit, requiring her to spend a large amount of money on filters and cleaning her condominium unit. She provided documentation to support this testimony.

The appellant testified that she would experience extreme financial hardship if she were required to continue paying her MassHealth CommonHealth premium, particularly given that her expenses did not decrease this year as she expected them to. The appellant currently receives a gross monthly income of \$3,574.00 in Social Security benefits and pays \$185.00 per month for Medicare.

Findings of Fact

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

1. The appellant is an adult under the age of 65 who is eligible for MassHealth CommonHealth benefits. Testimony, Exhibit 4.
2. On May 8, 2025, the appellant was approved for MassHealth CommonHealth benefits with a monthly premium of \$46.80, which increased to \$57.20 effective September 2025. Exhibit 5 at 11, 13.
3. On or about July 2, 2025, the appellant applied for a hardship waiver of her MassHealth premium. Testimony, Exhibit 1.
4. That same day, MassHealth denied the application, finding that she does not meet the rules of extreme financial hardship. Testimony, Exhibit 1.
5. The appellant filed a timely request for fair hearing of the July 2 notice on September 5, 2025. Exhibit 2.
6. Via a notice dated September 30, 2025, MassHealth determined that the appellant did not pay her premiums for July, August, and September 2025, and, as a result, terminated her MassHealth CommonHealth benefits with an effective date of October 14, 2025. Testimony. The appellant filed a timely request for fair hearing of that notice on October 16, 2025.
7. The appellant was previously approved for a hardship waiver from July 2024 to June 2025. Exhibit 5. Although the appellant's expenses did not increase from last year to this year, they are significantly higher than she expected them to be. Specifically, the appellant's monthly condo fees have increased from \$524.00 to \$730.00, and her condo insurance has increased from \$285.00 to

\$466.00 per month. Testimony. The appellant reported that she would face extreme financial hardship if she were required to pay her MassHealth CommonHealth premiums.

8. The appellant currently receives a gross monthly income of \$3,574.00 in Social Security benefits and pays \$185.00 per month for Medicare. Testimony.

Analysis and Conclusions of Law

Certain MassHealth members are charged a monthly premium, depending on their household income level. *See* 130 CMR 506.011. Specifically, MassHealth Standard, CommonHealth, or Family Assistance members who have income above 150% of the federal poverty level (FPL) are required to pay a monthly premium calculated in accordance with the relevant formula found at 130 CMR 506.011(B). Failure to pay this premium can result in a termination of benefits and a referral to the State Intercept Program for collection of any delinquent payments. 130 CMR 506.011(D).

If a member is financially unable to pay their monthly premium, they may apply for a hardship waiver in accordance with 130 CMR 506.011(G). Such an individual can establish undue financial hardship by demonstrating that the member:

- (a) is homeless, or is more than 30 days in arrears in rent or mortgage payments, or has received a current eviction or foreclosure notice;
- (b) has a current shut-off notice, or has been shut off, or has a current refusal to deliver essential utilities (gas, electric, oil, water, or telephone);
- (c) has medical and/or dental expenses, totaling more than 7.5% of the family group's gross annual income, that are not subject to payment by the Health Safety Net, and have not been paid by a third-party insurance, including MassHealth (in this case "medical and dental expenses" means any outstanding medical or dental services debt that is currently owed by the family group or any medical or dental expenses paid by the family group within the 12 months prior to the date of application for a waiver, regardless of the date of service);
- (d) has experienced a significant, unavoidable increase in essential expenses within the last six months;
- (e) 1. is a MassHealth CommonHealth member who has accessed available third-party insurance or has no third-party insurance; and
 - 2. the total monthly premium charged for MassHealth CommonHealth will cause extreme financial hardship the family, such that the paying of premiums could cause the family difficulty in paying for housing, food, utilities, transportation, other essential expenses, or would otherwise materially interfere with MassHealth's goal of providing affordable health insurance to low-income persons; or

(f) has suffered within the six months prior to the date of application for a waiver, or is likely to suffer in the six months following such date, economic hardship because of a state or federally declared disaster or public health emergency.

130 CMR 506.011(G)(1). If MassHealth grants a member a hardship waiver, MassHealth may:

- (a) waive payment of the premium or reduce the amount of the premiums assessed to a particular family; or
- (b) grant a full or partial waiver of a past due balance. Past due balances include all or a portion of a premium accrued before the first day of the month of hardship; or
- (c) both...

Id. at 506(G)(2).

In this case, the appellant is a MassHealth CommonHealth member and has demonstrated that she meets the requirements of 130 CMR 506.011(G)(1)(e)(1). Further, I credit her testimony regarding her current financial situation, specifically regarding her unexpected housing expenses that, while perhaps not as significant as the previous year, are still considerably more than she has paid in the past. I note that the appellant's condo fees and insurance alone account for approximately one third of the appellant's *gross* monthly income. This amount does not consider any rent or mortgage, utilities, groceries, additional health insurance, and any other monthly necessities. As such, I find that requiring the appellant to pay her monthly CommonHealth premium would cause her extreme financial hardship that would materially interfere with MassHealth's goal of providing affordable healthcare to low-income persons. Based on her testimony at hearing, the appellant's application for a hardship waiver should be approved.

Despite her appeal of the hardship waiver denial, the appellant's MassHealth CommonHealth benefits had been terminated due to her past-due premium balance. That balance should be waived, and the appellant's benefits should be reinstated retroactive to the termination date of October 14, 2025, to ensure no gap in her coverage.

For the foregoing reasons, the appeal is APPROVED.

Order for MassHealth

Approve the appellant's application for a hardship waiver of her CommonHealth premium. Reduce her past-due premium balance to \$0.00 and reinstate her MassHealth CommonHealth benefits retroactive to the termination date of October 14, 2025.

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.

Mariah Burns
Hearing Officer
Board of Hearings

MassHealth Representative: Quincy MEC, Attn: Cassandra Moura, Appeals Coordinator

MassHealth Representative: Carmen Fabery, Maximus Premium Billing