



Eligibility Operations Memo 23-27
December 2023

TO: MassHealth Eligibility Operations Staff
FROM: Heather Rossi, Director of Eligibility Policy
RE: **Prehearing Resolution**

Background

MassHealth members and applicants who disagree with an action taken by MassHealth have the right to appeal that decision to the Board of Hearings (BOH) and request a fair hearing. Effective October 1, 2023, members and applicants may resolve their appeal through the prehearing resolution (PHR) process, which allows an appellant to resolve the appeal without a formal hearing.

Prehearing Resolution Process

A member or applicant may now select a PHR on the Fair Hearing Request (FHR) form as a new option to resolve their appeal. The PHR process will vary depending on population and case specifics:

- MAGI appellants can expect the PHR process to be thoroughly conducted before a formal hearing is scheduled. MAGI appellants can ask for a hearing to be scheduled at any time.
- Non-MAGI appellants will have a formal hearing scheduled while the PHR process is being conducted.

The PHR process applies to eligibility-related appeals only. It does not apply to non-eligibility-related appeals. If it is determined by an appellant during the PHR process that a satisfactory resolution has not been found, a formal hearing will be scheduled or take place as scheduled.

Appellants may choose to be represented by an authorized representative in their appeal. The authorized representative will be the contact person on the appellant's behalf during the appeal process. MassHealth staff will attempt to contact both the authorized representative and the appellant during the outreach process and for any further necessary communication regarding the appeal.

MassHealth eligibility staff are responsible for collecting, tracking, and distributing appellant records as they pertain to eligibility. These records include MassHealth applications, documents sent to verify information, case activity history, and notices sent to appellants. Appellants are entitled to a copy of their eligibility records at any time. During the outreach process, MassHealth staff will clarify which records are being requested, if any, and send them to the appellant before the scheduled hearing.

If the appellant indicates on an FHR form that they would like to participate in the PHR process, they can expect the following:

- A MassHealth staff person will reach out to the appellant and, if applicable, the appellant's designated authorized representative about the appeal before a scheduled hearing.
Note: Staff will make one phone call attempt per day for three consecutive days to reach the appellant and the appellant's designated authorized representative. If the staff person cannot contact the appellant during any of the outreach attempts, PHR will not take place, and a formal hearing will be scheduled or take place as scheduled.
- If contact is made, MassHealth will gather information from the appellant about their reason for appeal and will clarify if the appellant is asking for any of their records.
- MassHealth will assist the appellant in determining whether a formal hearing is necessary or if the appeal can be resolved before the hearing.
 - If the appellant determines that the PHR outcome is not satisfactory, a formal hearing will be scheduled or take place as scheduled.
 - If the appellant is satisfied with the PHR outcome, MassHealth staff will assist in resolving the appeal with the BOH.

Resolving the Appeal

The appellant or the appellant's representative is responsible for determining if an appeal has been successfully resolved. A satisfactory PHR would imply that the appellant

- understands the actions taken by MassHealth that led to the eligibility decision being appealed;
- is aware of their current eligibility status;
- is aware of and understands the actions taken by MassHealth during the PHR process; and
- agrees that the current eligibility outcome is justified and requires no further dispute.

Regardless of their satisfaction with the PHR outcome, the appellant has the right to be heard at a fair hearing if they choose. The PHR process is not intended to deny or complicate the appellant's right to due process or to be heard at a fair hearing. A resolution is considered to be reached only if the appellant clearly states, either by phone or in writing to the BOH, that their appeal concerns have been addressed to their satisfaction and that a formal hearing is no longer required.

MassHealth staff may assist the appellant with the resolution process. MassHealth staff may not resolve or withdraw a scheduled appeal without the appellant's consent or without the appellant present by phone.

Withdrawal of the Appeal with the Board of Hearings

If the appellant is satisfied with the PHR and would like to cancel their hearing, they may withdraw the appeal with the BOH in one of the following ways:

- By phone: (617) 847-1200
- By mail: MassHealth Board of Hearings
100 Hancock Street, 6th Floor
Quincy, MA 02171
- By fax: (617) 887-8797

The appellant or authorized representative must include the following information in their request for withdrawal:

- Appellant name
- MassHealth ID number(s), last four digits of Social Security Number, or date of birth
- Appeal number
- Scheduled appeal date
- Scheduled appeal time

The withdrawal confirmation will be received by the BOH, and any scheduled hearing will be cancelled. All MassHealth participants will be notified of the cancellation, and no further appeal action will be taken. If no withdrawal request is made before the hearing date or no resolution can be made during the PHR process, the appeal will take place as scheduled.

Questions

If you have any questions about this memo, please have your MEC designee contact the Policy Hotline.