



Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
www.mass.gov/masshealth

Eligibility Operations Memo 23-05
February 2023

TO: MassHealth Eligibility Operations Staff

FROM: Heather Rossi, Director of Eligibility Policy

RE: **Clarification of MassHealth Fair Hearing Rules Related to Aid Pending**

Background

Federal Medicaid law states that if a member requests a hearing within 10 days from the date they receive a notice of action, MassHealth must reinstate and continue services until a decision is rendered after the hearing upon request.

Time Standard for Aid Pending Requests

MassHealth maintains continuous benefits for members who request aid pending within 10 days after they receive a notice of action. The date the member received the notice is considered to be five days after the date on the notice, unless the member demonstrates that the Postal Service did not deliver the notice within five days after the date on the notice. If the member did not receive notice from the Postal Service within five days after the date on the notice, they have 10 days from the date they received the notice from the Postal Service to request aid pending. See 42 CFR § 431.230.

More Information

For more information about the fair hearing process, see 130 CMR 610.000: *Fair Hearing Rules* and visit www.mass.gov/how-to/how-to-appeal-a-masshealth-decision. On this page, you can find Fair Hearing Request forms and additional information on the Office of Medicaid's Board of Hearings.

Questions

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