

## Administrative Information Bulletin 01-23

### Guidance Regarding Timelines to Appeal Appealable Actions Taken by the Commonwealth Health Insurance Connector Authority

February 3, 2023

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The purpose of this Administrative Bulletin is to provide guidance regarding the timelines applicable to individuals seeking to appeal an Appealable Action taken by the Commonwealth Health Insurance Connector Authority (“Connector”) related to its programs (“Connector Programs”), pursuant to 45 CFR § 155.520 and 956 CMR 12.00.

For purposes of this bulletin, Appealable Action has the same meaning as that phrase has in 956 CMR 12.03, which includes the relevant appealable actions at 45 CFR § 155.505(b)<sup>1</sup>.

As a state-based marketplace under the Patient Protection and Affordable Care Act (the “ACA”), the Connector must permit applicants and enrollees of Connector Programs seeking to appeal an Appealable Action for which they have received notice either 90 days or another time limit consistent with the Massachusetts Medicaid agency’s (“MassHealth”) timeline requirement for submitting fair hearing requests, but no less than 30 days. 45 CFR § 155.520(b).

Since 2013, consistent with the then-relevant timeline for individuals seeking a fair hearing with MassHealth of 30 days, the Connector required appeal requests to be submitted within 30 days of receipt of the notice of the Appealable Action. See 956 CMR 12.14(2)(a)1.

On December 23, 2022, MassHealth promulgated amended regulations governing its Fair Hearing Rules, changing the timeline requirement for submitting fair hearing requests from 30 to 60 days. 130 CMR 610.015(B)(1).

Consistent with the requirement at 45 CFR § 155.520(b)(2), the Connector will grant all individuals seeking to appeal and Appealable Action under 956 CMR 12.14(2)(a)1. 60 days from the date of receipt of the notice of the Appealable Action to submit an appeal.

This Bulletin takes effect immediately.

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<sup>1</sup> For avoidance of doubt, the relevant appealable actions are those found at 45 CFR § 155.505(b)(1), (3), and (4).