

**Appealing from a final decision of the MassHealth Board of Hearings:
Filing a complaint for judicial review under General Law 30A during COVID-19**

6-15-2020

Court website with information on filing an appeal from the decision of a state agency like MassHealth:
<https://www.mass.gov/appeals-from-state-agency-decisions>

Where to file: Superior Court (Trial Court) in county where you live or in Suffolk County.

When to file: 30 days from receipt of final MassHealth decision.

COVID 19 Emergency Special Rule: If 30 days would expire before June 30, 2020 you have until July 1, 2020 to file. This deadline may be extended, check the court website.

What to file: Complaint for Judicial Review; Cover Sheet; filing fee or Affidavit of Indigency and Request for Waiver of Filing Fee

Where to find examples of a Complaint for Judicial Review of MassHealth Board of Hearings final decision (you must supply details specific to your situation):

Masslegalservices.org website: <https://www.masslegalservices.org/content/filing-pro-se-appeal-masshealth-board-hearings>

The Trial Court Law Librarians: https://www.mass.gov/orgs/trial-court-law-libraries/locations?_page=1

Where to learn about the cover sheet: <https://www.mass.gov/news/superior-court-announces-new-civil-action-cover-sheet>

Where to learn about the Affidavit of Indigency and Request for Fee Waiver:
<https://www.mass.gov/lists/court-forms-for-indigency>

How to file during COVID 19 emergency as of June 2020 (check the websites for developments):

- Courts are closed to public. See Superior Court Frequently Asked Questions about COVID-19:
<https://www.mass.gov/guides/superior-court-frequently-asked-questions-concerning-covid-19>
 - **Q. I have a deadline pending in a case. Does the deadline still apply?**
 - **Q. How can I file something in Superior Court?**
 - **Q. Can I speak to someone in person at a specific county Clerk's Office?**
- How to reach Clerk of Court.
 - Trial Court Help Line **833-91COURT** (912-6878): <https://www.mass.gov/info-details/get-general-court-information-through-the-trial-court-help-line>

- Court Department email addresses: <https://www.mass.gov/guides/court-department-emails>

Other things to know:

- Make at least 3 copies of the Complaint, one to keep and two to send to the state.
- Contact the Clerk's office to make sure you are sending all the information needed to file and that you have up to date information about where and how to file.
- The Court will send you a "Summons". Make two copies and mail a Copy of the Summons and a Copy of the Complaint & Cover Sheet by certified mail to: Office of Medicaid, 1 Ashburton Place, 11th Floor, Boston MA 02108 & to the Office of the Attorney General, 1 Ashburton Place, 20th Floor, Boston MA 02108.
- On the original summons in the section for Return of Service: write that you mailed copies by certified mail, the date you mailed the copies, and the names of the Offices and addresses to which you mailed the copies and sign your name. Attach the signed return receipts you get back from the Offices. Mail original Summons with your return to Court.

Finding legal assistance to help with your appeal:

<https://www.mass.gov/legal-assistance>

<https://www.masslegalservices.org/findlegalaid>