


**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2006220
<b>Decision Date:</b>	5/26/2023	<b>Hearing Date:</b>	08/03/2020
<b>Hearing Officer:</b>	Paul C. Moore	<b>Record Closed:</b>	08/24/2020

**Appearance for Appellant:**

, pro se (by telephone)

**Appearance for MassHealth:**

Nikita Jones, Taunton MassHealth Enrollment Center (by telephone)



*Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Office of Medicaid  
Board of Hearings  
100 Hancock Street  
Quincy, MA 02171*

## APPEAL DECISION

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	MassHealth Senior Buy-In
<b>Decision Date:</b>	5/26/2023	<b>Hearing Date:</b>	08/03/2020
<b>MassHealth Rep.:</b>	Nikita Jones	<b>Appellant Rep.:</b>	Pro se
<b>Hearing Location:</b>	Board of Hearings (remote)		

### Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapters 118E and 30A, and the rules and regulations promulgated thereunder.

### Jurisdiction

By a notice dated May 8, 2020, MassHealth notified the appellant that he is eligible for MassHealth Senior Buy-In (Exh. 1). The appellant filed a timely appeal with the Board of Hearings (BOH) on May 21, 2020 (130 CMR 610.015; Exh. 2). The scope or amount of MassHealth assistance is valid grounds for appeal to the BOH (130 CMR 610.032).

### Action Taken by MassHealth

MassHealth determined that the appellant is eligible for Senior Buy-In.

### Issue

The issue on appeal is whether MassHealth correctly determined that the appellant is eligible for Senior Buy-In.

### Summary of Evidence

A MassHealth representative from the Taunton MassHealth Enrollment Center testified by telephone that the appellant, who is over age 65 and a household of one, filed a MassHealth

application in January, 2020. The MassHealth representative that the appellant's Social Security income was \$1,740.60 per month as of January 1, 2020. That was the amount of income MassHealth deemed countable to him. This amount exceeded 100% of the federal poverty level (FPL) for a household of one in 2020, or \$1,064.00. Thus, he did not qualify for MassHealth Standard. However, he did qualify for MassHealth Senior Buy-In, under which MassHealth pays the appellant's monthly Medicare Part B premium. A notice to the appellant dated May 8, 2020 apprised him that he is eligible for Senior Buy-In effective May 1, 2020 (Testimony).<sup>1</sup>

The MassHealth representative added that as of February 1, 2020, the appellant's monthly Social Security award amount increased to \$1,832.00. This amount exceeded 133% of the 2020 FPL for a household of one. Thus, as of February 1, 2020, the appellant no longer qualified for Senior Buy-In (Testimony).

The MassHealth representative added that because the appellant was eligible for Senior Buy-In as of March 18, 2020, the date of the national emergency declared due to Covid-19, his coverage was maintained by MassHealth.<sup>2</sup>

The appellant testified by telephone that he is homeless, and has Medicare as his primary insurance. He would like to qualify for MassHealth Standard. He did not recall the exact amount of his increased Social Security award amount, but he requested an opportunity to send a copy of his most recent Social Security award letter. The hearing officer agreed to keep the record of this appeal open until August 17, 2020 for submission of this Social Security award letter to the hearing officer and to MassHealth (Exh. 4).

On August 24, 2020, a response from the appellant was received by the hearing officer; however, the response did not specify the amount of the appellant's monthly Social Security award amount as of February 1, 2020 (Exh. 5).

On May 22, 2023, the MassHealth representative reported to the hearing officer by e-mail that MassHealth sent an eligibility review form to the appellant on July 21, 2021, but the form was not completed and returned to MassHealth (Exh. 6).

## Findings of Fact

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

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<sup>1</sup> The MassHealth notice apprises the appellant that he also had excess assets in the amount of \$10,987.48, and that he could qualify for MassHealth Standard by meeting a six-month deductible (Exh. 1).

<sup>2</sup> Pursuant to MassHealth Eligibility Operations Memo number 20-09, "MassHealth Response to Coronavirus Disease 2019 (COVID-19)," effective April 7, 2020, "**MassHealth will protect coverage for all individuals who have Medicaid coverage as of March 18, 2020**, and for all individuals newly approved for coverage during the COVID-19 outbreak national emergency, and through the end of the month in which such national emergency period ends. These members will not lose coverage or have a decrease in benefits during this time period" (emphasis added).

1. The appellant is over age 65, and lives in a household of one (Testimony).
2. The appellant filed a MassHealth application in January, 2020 (Testimony).
3. MassHealth determined that the appellant's countable-income amount is \$1,330.00 per month, consisting of Social Security benefits (Testimony).
4. MassHealth sent the appellant a notice on May 8, 2020 apprising him that he is eligible for Senior Buy-In effective May 1, 2020 (Testimony, Exh. 1)
5. The appellant filed a timely appeal of this notice with the BOH on May 21, 2020 (Exh. 2).
6. On February 1, 2020, the appellant's monthly Social Security award amount increased to \$1,832.00 (Testimony).
7. In 2020, 100% of the FPL for a household of one was \$1,064.00 per month (85 *Federal Register* 3060, pp. 3060-3061, January 17, 2020).
8. In 2020, 130% of the FPL for a household of one was \$1,415.00 per month (85 *Federal Register* 3060, pp. 3060-3061, January 17, 2020).
9. The appellant's Senior Buy-In benefit was maintained during the Covid-19 pandemic because he had this benefit effective March 18, 2020 (MassHealth Eligibility Operations Memo number 20-09).

### **Analysis and Conclusions of Law**

Pursuant to 130 CMR 519.005, "Community Residents age 65 and Older:"

(A) Eligibility Requirements. Except as provided in 130 CMR 519.005(C), noninstitutionalized individuals 65 years of age and older may establish eligibility for MassHealth Standard coverage provided they meet the following requirements: (1) the countable income amount, as defined in 130 CMR 520.009: Countable-income Amount, of the individual or couple is less than or equal to 100% of the federal poverty level; and (2) the countable assets of an individual are \$2,000 or less, and those of a married couple living together are \$3,000 or less.

...

Also, pursuant to 130 CMR 519.010, "Senior Buy-In:"

(A) Eligibility Requirements. (Qualified Medicare Beneficiaries/QMB) coverage is available to Medicare beneficiaries who

(1) are entitled to hospital benefits under Medicare Part A;

(2) have a countable income amount (including the income of the spouse with whom he or she lives) that is less than or equal to 130% of the federal poverty level;

(3) have countable assets less than or equal to two times the amount of allowable assets for Medicare Savings Programs as identified by the Centers for Medicare and Medicaid Services. Each calendar year the allowable asset limits shall be made available on MassHealth's website; and

(4) meet the universal requirements of MassHealth benefits in accordance with 130 CMR 503.000: Health Care Reform: MassHealth: Universal Eligibility Requirements or 130 CMR 517.000: MassHealth: Universal Eligibility Requirements, as applicable.

(B) Benefits. The MassHealth agency pays for Medicare Part A and Part B premiums and for deductibles and coinsurance under Medicare Parts A and B for members who establish eligibility for MassHealth Senior Buy-in coverage in accordance with 130 CMR 519.010(A).

(C) Begin Date. The begin date for MassHealth Senior Buy-in coverage is the first day of the calendar month following the date of the MassHealth eligibility determination.

Here, the appellant did not qualify for MassHealth Standard because his countable income and countable assets exceeded regulatory maximums as of January, 2020.

As of January 1, 2020, the appellant's countable income was under the limit (130% of the FPL for a household of one) to qualify for Senior Buy-In. Therefore, MassHealth has, since May, 2020, been paying the appellant's Medicare Part B premium.

Pursuant to MassHealth Eligibility Operations Memo 23-11, "Ending Temporary Eligibility Policies Established during the Federal Public Health Emergency (COVID-19 Pandemic)" (effective April, 2023):

Beginning April 1, 2023, MassHealth will no longer maintain continuous coverage for members if they have been successfully renewed in the last 12-months.

As provided in the above eligibility operations memo, the appellant's continuous coverage must end on April 1, 2023.

This appeal is therefore DENIED.

### **Order for MassHealth**

Send notice to the appellant terminating his MassHealth Senior Buy-In as of April 1, 2023. Do not

include appeal rights.

Send the appellant a new MassHealth application for persons living in the community over age 65.

### **Notification of Your Right to Appeal to Court**

If you disagree with this decision, you have the right to appeal to court in accordance with Chapter 30A of the Massachusetts General Laws. To appeal, you must file a complaint with the Superior Court for the county where you reside, or Suffolk County Superior Court, within 30 days of your receipt of this decision.

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Paul C. Moore  
Hearing Officer  
Board of Hearings

cc: Justine Ferreira, Appeals Coordinator, Taunton MEC, 21 Spring Street, Suite 4, Taunton, MA  
02780