

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2200660
Decision Date:	4/28/2022	Hearing Date:	02/24/2022
Hearing Officer:	Casey Groff		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Steven Messina, Tewksbury



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

APPEAL DECISION

Appeal Decision:	Denied	Issue:	Eligibility; Over 65; Income
Decision Date:	4/28/2022	Hearing Date:	02/24/2022
MassHealth's Rep.:	Steven Messina	Appellant's Rep.:	<i>Pro se</i>
Hearing Location:	Tewksbury MassHealth Enrollment Center	Aid Pending:	No

Authority

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

Jurisdiction

Through a notice dated January 6, 2022, MassHealth informed Appellant that it was changing her coverage type from MassHealth Standard to Senior Buy-In due to having income that exceeded program eligibility limits. See Exh. 1 and Exh. 2, p. 2; 130 CMR 519.002. Appellant filed this appeal in a timely manner on January 27, 2022. See Exhibit 2; 130 CMR 610.015(B). Denial or change in the level of assistance is valid grounds for appeal. See 130 CMR 610.032.

Action Taken by MassHealth

MassHealth replaced Appellant's MassHealth Standard coverage with Senior Buy-In because it determined she had income that exceeded program eligibility limits.

Issue

The appeal issue is whether MassHealth was correct in determining Appellant's income exceeded the regulatory limit for MassHealth Standard, and as a result, changed her coverage type to Senior Buy-In.

Summary of Evidence

A MassHealth eligibility representative appeared at hearing and testified as follows: Appellant is over the age of [REDACTED] and lives with her husband in the community in a household size of two. Appellant has a reported income of \$1,041 per month. Prior to the notice on appeal, Appellant qualified for MassHealth Standard as her husband did not have any countable income.¹ On January 6, 2022, MassHealth received information that Appellant's husband, who is under 65 years-old, began receiving social security retirement income. As a result of this change, their combined household countable income increased to \$1,859.00 per month. For a household size of two, this figure amounts to 123% of the federal poverty level (FPL). To qualify for MassHealth, an individual over the age of 65 in a household of two, cannot have income that exceeds 100% of the FPL or \$1,452 per month. On January 6, 2022, after receiving the updated income figures, MassHealth notified Appellant that she no longer qualified for MassHealth Standard due to exceeding program income limits and that her coverage type would change to Senior Buy-In. See Exh. 1. The notice informed Appellant that the change in coverage type would take effect on January 20, 2022. Id. The MassHealth representative explained that as part of the Senior Buy-In benefit, MassHealth pays the premium for the member's Part B Medicare coverage.²

Appellant appeared at hearing via telephone and testified that her husband previously received disability at \$240 per month. When he turned 62, he applied for social security which is \$822 per month instead of the \$240. Appellant did not dispute MassHealth's calculation of their total household income amount of \$1,850.00. Rather, Appellant argued that for a household of two, the qualifying FPL should not be as low as it is. The change to their income was only about \$500 per month. That is not a big increase. Currently, their income covers their basic living expenses. There is not any additional income left over to cover medical expenses or for her to pay a supplemental insurance premium. It does not make sense that their income does not allow her to qualify for MassHealth Standard.³

Findings of Fact

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

¹ It was discussed that Appellant's husband had received social security disability income which is considered noncountable for purposes of MassHealth eligibility.

² The MassHealth representative explained that the federal public health emergency COVID-19 protection does not apply to this case because Appellant remained within the same "tier" of coverage by converting to Senior Buy-In.

³ During the hearing, the parties discussed that MassHealth income standards may be calculated differently when an applicant meets the requirements for a personal care attendant (PCA) deduction, and/or other programs such as the frail/elder waiver program.

1. Appellant is over the age of [REDACTED] and lives with her husband in the community in a household size of two.
2. Appellant and her husband have a combined countable household income of \$1,859.00 per month.
3. Combined gross income of \$1,859.00 for a household size of two puts Appellant at 123% of the federal poverty level (FPL).
4. On January 6, 2022, after receiving updated income figures, MassHealth notified Appellant that she no longer qualified for MassHealth Standard due to exceeding program income limits and that her coverage type would change to Senior Buy-In effective January 20, 2022.

Analysis and Conclusions of Law

To qualify for MassHealth Standard benefits, individuals 65 years of age or older who live in the community, such as Appellant, must have countable income at or below 100% of the federal poverty level (FPL) and have countable assets under \$2,000. See 130 CMR 519.005. MassHealth regulations define “countable income amount” as an individual’s and the spouse’s gross earned and unearned income, less certain business expenses and “standard income deductions.” See 130 CMR 520.009(A)(1). Standard income deductions include a \$20 “unearned-income disregard” (UID), and for certain qualifying individuals, a personal care attendant (PCA) deduction.⁴ See 130 CMR 520.013(B).

In consideration of the above-referenced regulations and the evidence submitted at hearing, MassHealth did not err in determining that Appellant’s income exceeded program income standards to qualify for MassHealth. It is undisputed that Appellant and her spouse have total combined household income of \$1,839.00. The monthly income for an individual at 100% of the FPL is \$1,526.⁵ Thus, Appellant exceeds the income limits to qualify for MassHealth benefits. MassHealth did not err in issuing the January 6, 2022 notice.

Order for MassHealth

None.

⁴ The PCA deduction, which is fully set forth in 130 CMR 520.013(B) is a “deduction from gross unearned income is allowed only for persons who (a) are 65 years of age and older; (b) are receiving personal-care attendant services paid for by the MassHealth agency, or have been determined by the MassHealth agency, through initial screening or by prior authorization, to be in need of personal-care attendant services; and (c) prior to applying the deduction at 130 CMR 520.013(B), have countable income that is over 100% of the federal poverty level. As of the hearing date, there was no evidence Appellant had met the conditions to qualify for the PCA deduction.

⁵ In 2021, this amount was \$1,452. See the 2021 and 2022 MassHealth Income Standards and Federal Poverty Guidelines.

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.

Casey Groff
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Sylvia Tiar, Tewksbury MassHealth Enrollment Center, 367 East Street, Tewksbury, MA 01876-1957