

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2302374
<b>Decision Date:</b>	4/28/2023	<b>Hearing Date:</b>	04/21/2023
<b>Hearing Officer:</b>	Alexandra Shube		

**Appearance for Appellant:**

*Via telephone:*

Pro se

**Appearance for MassHealth:**

*Via telephone:*

Michelle Trainor – Tewksbury MEC



*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

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	Eligibility
<b>Decision Date:</b>	4/28/2023	<b>Hearing Date:</b>	04/21/2023
<b>MassHealth's Rep.:</b>	Michelle Trainor	<b>Appellant's Rep.:</b>	Pro se
<b>Hearing Location:</b>	Tewksbury MassHealth Enrollment Center Remote	<b>Aid Pending:</b>	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 March 16, 2023, MassHealth notified the appellant that MassHealth determined he had more countable income and assets than MassHealth benefits allow for MassHealth Standard coverage (Exhibit 1). The appellant filed this appeal in a timely manner on March 23, 2023 (see 130 CMR 610.015(B) and Exhibit 2). Denial of assistance is valid grounds for appeal (see 130 CMR 610.032).

## Action Taken by MassHealth

MassHealth denied the appellant MassHealth Standard benefits.

## Issue

The appeal issue is whether MassHealth correctly determined that the appellant is not eligible for MassHealth Standard benefits because he is over the allowable income and asset limits.

## Summary of Evidence

The MassHealth representative appeared at hearing via telephone and testified as follows: on February 23, 2023, MassHealth received an application for the appellant, who is over the age of 65. The application was processed on March 16, 2023. At the time, MassHealth calculated an income for the appellant of \$2,200 per month, made up of Social Security Income (SSI), rental income, and self-employment, which put him at 181% of the Federal Poverty Level (FPL). His bank account had a balance of \$7,857.86. This put him over the income and asset limits to qualify for MassHealth Standard benefits. That income limit is 100% of the Federal Poverty Level (FPL), which for 2023 is \$1,215 per month for a household of one. The asset limit for a single individual in the community is \$2,000.

The MassHealth representative stated that when MassHealth originally calculated the appellant's income, it did not consider all the carrying costs of the rental. MassHealth recalculated his income and, on March 31, 2023, approved him for Senior Buy-In, which pays for his Part B Medicare premium, effective March 1, 2023. The appellant had previously been approved for Senior Buy-In and there was no gap in coverage.

The appellant appeared at hearing via telephone and testified as follows: he no longer has the self-employment income. He makes almost no money on the rental because he pays the mortgage and water bills. He was also concerned that his car was considered an asset. He has monthly car payments of \$229 per month and pays about \$400 per month for prescriptions.

The MassHealth representative clarified that the car was not considered an asset. She also noted the prescriptions should be going through his Medicare Part D prescription plan. She suggested that the appellant submit a copy of his mortgage bill so MassHealth can update his rental income. At hearing, she recalculated his income to reflect the loss of self-employment income. Based on the rental income and SSI, the appellant's monthly gross income totaled \$1,078, or 88.7% of the FPL. While his income was within the limit to qualify for MassHealth Standard benefits, he remained over the asset limit. But he still qualified for MassHealth Senior Buy-In benefits.

## Findings of Fact

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

1. The appellant is over the age of 65 and has a household size of one (Testimony and Exhibit 4).
2. At the time of the application, MassHealth calculated the appellant's income at \$2,200 per month, made up of SSI, rental income, and self-employment, which put him at 181% of the Federal FPL (Testimony).
3. The appellant had \$7,857.86 in his bank account which made up his countable assets (Testimony).

4. On March 16, 2023, MassHealth denied the appellant MassHealth Standard benefits because he was over the income and asset limits (Testimony and Exhibit 1).
5. To qualify for MassHealth Standard coverage, the appellant's income would have to be at or below 100% of the FPL, or \$1,215, and his assets at or below \$2,000 (Testimony).
6. On March 31, 2023, MassHealth corrected the appellant's rental income and approved the appellant for Senior Buy-In coverage with a start date of March 1, 2023 (Testimony).
7. At hearing, MassHealth recalculated the appellant's income when it learned that he was no longer self-employed. His newly adjusted income, consisting of SSI and rental income, was \$1,078, or 88.7% of the FPL. (Testimony).
8. The appellant did not dispute his income or asset level (Testimony).
9. The appellant had previously been approved for MassHealth Senior Buy-In coverage and there was no gap in coverage (Testimony).

## Analysis and Conclusions of Law

Pursuant to 130 CMR 519.010, the following applies to MassHealth Senior Buy-In (Qualified Medicare Beneficiaries/QMB) coverage:

(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.

Additionally, 130 CMR 519.005 states the following for community residents 65 years of age 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 percent 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.**

(Emphasis added).

As explained above, to qualify for MassHealth Standard benefits, the countable income of an individual who is over the age of 65 must be equal to or less than 100% of the Federal Poverty Level which for a household of one is \$1,215 **and** countable assets must be \$2,000 or less. Therefore, while the appellant's income is within the limits, his countable assets (over \$7,800 in his bank account) are above the allowable limits to qualify for MassHealth Standard benefits. As such, MassHealth correctly determined that the appellant qualifies for MassHealth Senior Buy-In benefits, but not MassHealth Standard benefits. For these reasons, the appeal is denied.

## Order for MassHealth

None.

## 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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Alexandra Shube  
Hearing Officer  
Board of Hearings

cc:

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