

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2304205
Decision Date:	8/14/2023	Hearing Date:	06/23/2023
Hearing Officer:	Alexis Demirjian (presiding) for Mariah Burns (authoring)		

Appearance for Appellant:

Pro se

Appearance for MassHealth:

Sandy Xie, Lauren Silva, Chelsea MassHealth
Enrollment Center



*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
Decision Date:	8/14/2023	Hearing Date:	06/23/2023
MassHealth's Rep.:	Sandy Xie, Lauren Silva,	Appellant's Rep.:	Pro se
Hearing Location:	Remote	Aid Pending:	Yes

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 May 2, 2023, MassHealth terminated the appellant's MassHealth coverage effective May 16, 2023, because MassHealth determined that the appellant's income and assets exceed the limit for MassHealth Standard coverage; MassHealth determined that the appellant may be able to establish eligibility for MassHealth benefits by meeting a six-month deductible of \$10,702.00. *See* 130 CMR 520.002-520.004, 130 CMR 520.028, and Exhibit 2. The appellant filed this appeal in a timely manner on May 22, 2023. *See* 130 CMR 610.015(B) and Exhibit 1. Denial of assistance is valid grounds for appeal. *See* 130 CMR 610.032.

Action Taken by MassHealth

MassHealth informed appellant that his MassHealth Standard coverage would end on May 16, 2023.

Issue

The appeal issue is whether MassHealth correctly determined that appellant was no longer eligible for MassHealth benefits.

Summary of Evidence

The appellant is an adult over the age of 65 and appeared at the hearing by telephone. MassHealth was represented by workers from the Chelsea MassHealth Enrollment Centers (MEC) who also appeared telephonically.

The MassHealth representatives testified as follows: the appellant has been enrolled in MassHealth Standard since January 2021. On April 5, 2023, MassHealth received a renewal application from the appellant, and on May 2, 2023, a termination notice was sent stating the appellant was no longer eligible for benefits due to excess countable income.¹ The appellant's tax return statement indicated that he receives \$29,670.00 in annual pension income, for a monthly pension income of \$2,472.50. He additionally receives \$456.90 in gross monthly social security income, for a total monthly income of \$2,929.40. In order to qualify for MassHealth Standard, an individual over the age of 65 must have a household income equal to or less than 100% of the federal poverty level (FPL), which is \$1,215.00 per month for a household of one. MassHealth determined the appellant to be in a household of one because his spouse is in a long-term care facility.

The appellant testified that his spouse currently lives at his home and has not been in a long-term care facility for over a year. He indicated that his spouse's sibling sent a letter to MassHealth informing the agency that his spouse was no longer in long-term care.

MassHealth's representatives noted that the appellant's spouse was still listed as active in long-term care per their records, that MassHealth did not receive the appropriate form indicating that the appellant's spouse had been discharged, and that MassHealth would need to call the long-term care facility to verify that the appellant's spouse was no longer a patient there. If the appellant's spouse were living at home, MassHealth would be required to determine eligibility based on the combined income and assets of the appellant and his spouse. Including the monthly social security income earned by appellant's spouse would bring their monthly household income to \$3,078.40. MassHealth reported that 100% of the FPL for a household of two is currently \$1,644.00 per month.

The appellant confirmed that his spouse receives around \$130 per month in social security income. He testified that the social security income MassHealth used for his part of the calculation was incorrect, as he only receives \$250 in monthly social security income after Medicare

¹ The May 2, 2023, notice additionally indicates that the appellant's assets exceed the amount allowed under MassHealth regulations. See Exhibit 2. However, other than the Rockland Trust letter read into the record as Exhibit 4, which reports a bank balance of \$1,620.00 as of May 15, 2023, no evidence or testimony from MassHealth or the appellant was introduced at hearing regarding the issue of assets.

withholding. The appellant further testified that he has a disability.

The MassHealth representatives explained that MassHealth only considers gross social security income and does not consider deductions for Medicare premiums. MassHealth's computer system verified that the appellant receives \$456.90 per month in gross social security income. The MassHealth representatives also noted that they do not consider disabilities for applicants over 65 because they have Medicare as their primary insurance.

Findings of Fact

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

1. The appellant is an adult over the age of 65 and has been enrolled in MassHealth Standard since January 2021. Exhibit 1, Testimony.
2. On April 5, 2023, MassHealth received a renewal application from appellant. Testimony.
3. On May 2, 2023, MassHealth issued a notice to the appellant informing him that his MassHealth coverage would end on May 16, 2023, due to both his income and assets exceeding the respective eligibility thresholds. Exhibit 2.
4. The appellant filed a timely appeal on May 22, 2023. Exhibit 1.
5. The appellant currently earns \$2,472.50 in gross monthly pension income and \$456.90 in gross monthly social security income, for a total monthly income of \$2,929.40. Testimony.
6. If appellant's spouse were considered part of his household, appellant's monthly household income would be \$3,078.40. Testimony.
7. 100% of the FPL or a household of one is currently \$1,215.00 per month. Testimony.
8. 100% of the FPL for a household of two is currently \$1,644.00 per month. Testimony.
9. The May 2, 2023, notice showed appellant's assets as a life insurance policy with a cash-surrender value of \$2,007.23 and a bank account containing \$3,053.84, for a total of \$5,061.07 in assets. Exhibit 2.
10. Appellant has a Rockland Trust bank account containing \$1,620.00 in assets. Exhibit 4.

Analysis and Conclusions of Law

MassHealth administers and is responsible for delivery of healthcare benefits to MassHealth members. See 130 CMR 515.002. Eligibility for MassHealth benefits differs depending on an applicant's age. 130 CMR 515.000 through 522.000 (referred to as Volume II) provide the requirements for non-institutionalized persons aged 65 or older, institutionalized persons of any age, persons who would be institutionalized without community-based services, as, and certain Medicare beneficiaries. 130 CMR 515.002(B). As the appellant is over 65 years old, he is subject to the requirements of the provisions of Volume II. 130 CMR 515.002.

To determine a senior's eligibility for MassHealth, the total countable-income amount and countable assets of the individual are compared to an income standard and asset limit. To be eligible for MassHealth Standard coverage, an individual 65 years of age or older living in the community must have a countable income amount "less than or equal to 100% of the federal poverty level." 130 CMR 519.005(A)(1). The current MassHealth federal poverty level standards can be found on its website, and 100% of the federal poverty level for a single person is \$1215.00 in monthly income, while 100% of the federal poverty level for a household of two is \$1,644.00.² Additionally, "[t]he total value of countable assets owned by or available to individuals applying for or receiving MassHealth Standard" may not exceed \$2000 for an individual and \$3000 for certain couples living together in the community. See 130 CMR 520.003(A). Such countable assets included the balance of "savings, checking, or trust accounts, term certificates, or other types of accounts," as well as "the total cash-surrender value of all [life insurance] policies held" by an applicant, member, or their spouse, provided that the total face value of said policies exceeds \$1,500.00. See 130 CMR 520.007(B)(1) and 130 CMR 520.007(E)(2).

In this case, the appellant did not dispute that his gross monthly income is \$2,929.40. Although he does challenge the calculation of his social security income, his monthly pension payments of \$2,472.50 alone exceed 100% of the FPL based on 2023 standards, rendering him ineligible for MassHealth Standard. Even if MassHealth were to confirm that appellant's spouse is currently a member of appellant's household, their combined monthly household income would still exceed 100% of the federal poverty level for a household of two just based on the appellant's pension payments. Therefore, appellant does not satisfy the income requirements for MassHealth Standard eligibility. See 130 CMR 519.005(A)(1).

While appellant did supply the Board of Hearings with a letter from Rockland Trust prior to hearing indicating a balance of \$1,620.00, appellant did not provide any additional testimony or evidence at hearing to challenge MassHealth's asset determination. See Exhibit 4. Appellant has the burden

² <https://www.mass.gov/doc/2023-masshealth-income-standards-and-federal-poverty-guidelines-0/download>.

"to demonstrate the invalidity of the administrative determination." *Andrews vs. Division of Medical Assistance*, 68 Mass. App. Ct. 228, 231 (2007). Because appellant failed to advance an argument as to why MassHealth's asset determination was invalid, appellant did not meet his burden.³

Because an applicant must satisfy both the asset and income requirements in to be financially eligible for MassHealth Standard, MassHealth did not err in issuing the May 2, 2023, notice.⁴ See 130 CMR 519.005(A)(1) and 130 CMR 520.003(A). Accordingly, this appeal is DENIED.

Order for MassHealth

To the extent such is needed following verification of appellant's household size, issue a corrected notice reflecting a six-month deductible based on the updated income amount. Otherwise, none, other than to remove aid pending.

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.

Mariah Burns
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Quincy MEC, Attn: Appeals Coordinator, 100 Hancock Street, 6th Floor, Quincy, MA 02171

³ Even if one were to accept that the Rockland Trust letter reflected an updated balance for the bank account noted in the May 2, 2023, notice, this bank account value, when added to appellant's presumably still existent life insurance policy with a cash-surrender value of \$2,007.23, would still leave appellant with \$3,627.23 in assets. Therefore, appellant would still be over the asset limit for both individuals and couples, and would therefore also be ineligible for MassHealth Standard coverage by way of excess assets. See 130 CMR 520.003(A).

⁴ The MassHealth representative incorrectly stated at hearing that individuals over 65 cannot qualify for MassHealth CommonHealth due to being on Medicare. Although disabled seniors can receive CommonHealth benefits, they must meet the requirements of 130 CMR 519.012(A), which include evidence that the applicant is working. As the appellant provided no such evidence, it was correctly determined that he has not established eligibility for CommonHealth.