

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Approved in part; Denied in part	<b>Appeal Number:</b>	2304420
<b>Decision Date:</b>	08/18/2023	<b>Hearing Date:</b>	07/03/2023
<b>Hearing Officer:</b>	Alexandra Shube		

**Appearance for Appellant:**

*Via telephone:*

Pro se

**Appearance for MassHealth:**

*Via telephone:*

Robert Hines – Springfield 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>	Approved in part; Denied in part	<b>Issue:</b>	Eligibility 65+
<b>Decision Date:</b>	08/18/2023	<b>Hearing Date:</b>	07/03/2023
<b>MassHealth's Rep.:</b>	Robert Hines	<b>Appellant's Rep.:</b>	Pro se
<b>Hearing Location:</b>	Springfield Enrollment Center Remote	<b>Aid Pending:</b>	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 23, 2023, MassHealth notified the appellant that his coverage would change to Buy-In (SLMB-Part B) because his income and assets are too high to qualify for MassHealth Standard coverage and that his income is too high to qualify for MassHealth Senior Buy-In (Exhibit 1). The appellant filed this appeal in a timely manner on May 31, 2023 (see 130 CMR 610.015(B) and Exhibit 2). Denial of assistance is a valid grounds for appeal (see 130 CMR 610.032).

### Action Taken by MassHealth

MassHealth denied the appellant MassHealth Standard and MassHealth Senior Buy-In benefits.

### Issue

The appeal issue is whether MassHealth correctly determined that the appellant is not eligible for MassHealth Standard and MassHealth Senior Buy-In 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: the Appellant is over 65 and has a household size of one. The appellant was previously receiving MassHealth Standard with Senior Buy-In throughout the Public Health Emergency. When the Public Health Emergency ended on April 1, 2023, the appellant's eligibility was re-evaluated and MassHealth determined that he was over income and over assets and his coverage would change to Buy-In. His MassHealth Standard benefits with Buy-In are protected during the appeal process by aid pending.

MassHealth calculated that the appellant had countable assets totaling \$3,118, consisting of a vehicle valued at \$3,000 and a bank account at \$118.<sup>1</sup> At hearing, MassHealth testified that the appellant's income consisted of social security totaling \$1,778 per month. 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, 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 appellant agreed that his income was \$1,778 per month. The appellant disputed whether his vehicle was worth \$3,000. He provided evidence that the vehicle was worth less. Based on that evidence, MassHealth reevaluated the vehicle to be worth \$2,634.

## 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. On May 23, 2023, MassHealth notified the appellant that his coverage would change to Buy-In because he was over the income and asset limits for MassHealth Standard and over the income limit for MassHealth Senior Buy-In benefits. (Testimony and Exhibit 1).
3. At the time of the application, MassHealth calculated the appellant's income at \$1,778 per month, which put him at 146% of the Federal Poverty Level. (Testimony).
4. The appellant did not dispute his income level. (Testimony).
5. The appellant has \$2,752 in countable assets made up of his second vehicle and bank account (Testimony and Exhibit 5).

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<sup>1</sup> The Appellant has another more expensive vehicle which is considered his noncountable asset under 130 CMR 520.007(F).

6. To qualify for MassHealth Standard coverage, the appellant's income would have to be at or below 100% of the Federal Poverty Level, or \$1,215 monthly for a household of one, and his assets at or below \$2,000. (Testimony).
7. To qualify for MassHealth Senior Buy-In (Qualified Medicare Beneficiaries/QMB) coverage, the appellant's income would have to be at or below 190% of the Federal Poverty Level and the appellant's assets would have to be at or below the 2023 asset limit of \$18,180 (Eligibility Operations Memo 23-04, February 2023).
8. The appellant's MassHealth Standard benefits with Buy-In were protected during the appeal process by aid pending. (Testimony).

## Analysis and Conclusions of Law

Pursuant to 130 CMR 519.005, the following applies to MassHealth Standard coverage 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.

Effective January 1, 2023, the Medicare Savings Programs, which are also known as Buy-In, changed the income and asset limits for the three Massachusetts Medicare Savings Programs: Senior Buy-In/Qualified Medicare Beneficiaries (QMB), Specified Low-Income Medicare Beneficiaries (SLMB), and Qualifying Individuals (QI). As relevant here, the countable income limit for the Senior Buy-In (or QMB program) is at or below 190% of the Federal Poverty Level. (Eligibility Operations Memo 23-04). For 2023, 190% of the Federal Poverty Level is \$2,309 monthly. The QMB's 2023 asset limit for individuals is \$18,180. (Eligibility Operations Memo 23-04).

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 monthly, and countable assets must be \$2,000 or less. Therefore, the appellant's income of \$1,778 and countable assets of \$2,752 (\$118 in bank account and \$2,634 for the second vehicle) are above the allowable limits to qualify for MassHealth Standard benefits. His appeal

regarding eligibility for MassHealth Standard Benefits is denied.

In its May 23, 2023 notice to the appellant, MassHealth stated that his income was too high to qualify for the MassHealth Senior Buy-In benefits; however, effective January 1, 2023, the income limit for the Senior Buy-In/QMB was increased to 190% of the Federal Poverty Level. The appellant's monthly income of \$1,778 is below the 190%/\$2,309 limit. His assets of \$2,752 are also below the asset limit of \$18,180. Accordingly, the appellant qualifies for Senior Buy-In/QMB, and his appeal regarding those benefits is approved.

## **Order for MassHealth**

Approve the appellant for Senior Buy-In/QMB effective as of the date of this decision.

## **Implementation of this Decision**

If this decision is not implemented within 30 days after the date of this decision, you should contact your MassHealth Enrollment Center. If you experience problems with the implementation of this decision, you should report this in writing to the Director of the Board of Hearings, at the address on the first page of this decision.

## **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: Dori Mathieu, Springfield MassHealth Enrollment Center, 88 Industry Avenue, Springfield, MA 01104