

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2304931
Decision Date:	08/18/2023	Hearing Date:	07/17/2023
Hearing Officer:	Alexandra Shube		

Appearance for Appellant:
Via telephone:
Pro se

Appearance for MassHealth:
Via telephone:
Stella Mudanya, Charlestown 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

Appeal Decision:	Denied	Issue:	Eligibility Under 65
Decision Date:	08/18/2023	Hearing Date:	07/17/2023
MassHealth's Rep.:	Stella Mudanya	Appellant's Rep.:	Pro se
Hearing Location:	Charlestown MassHealth Enrollment Center - Remote	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 June 1, 2023, MassHealth notified the appellant that his coverage would change from MassHealth Standard to Health Safety Net, effective May 22, 2023, due to a change in circumstances (Exhibit 1). The appellant filed this appeal in a timely manner on June 14, 2023 (see 130 CMR 610.015(B) and Exhibit 2). Termination and/or reduction of assistance is valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth informed the appellant that his coverage would change from MassHealth Standard to the Health Safety Net, effective May 22, 2023.

Issue

The appeal issue is whether MassHealth was correct in downgrading the appellant from MassHealth Standard to the Health Safety Net.

Summary of Evidence

The MassHealth representative appeared at hearing via telephone and testified as follows: in February, the appellant, who is under the age of 65 with a household size of one, completed a renewal application. He verified his employment income at \$625 gross per week, or \$2,708 gross per month. This put him at 217.89% of the Federal Poverty Level (FPL). The income limit to qualify for MassHealth Standard or MassHealth CarePlus for a non-disabled person under the age of 65 is 133% of the FPL, which is \$1,616 gross per month for a household of one. Due to the Public Health Emergency, the appellant remained on MassHealth Standard, despite being over the income limit. When the Public Health Emergency ended, the appellant's eligibility was re-evaluated and, on June 1, 2023, MassHealth determined that he was over the income limit for MassHealth Standard and his coverage would change to the Health Safety Net. He was also eligible for a Connector Care plan. His MassHealth Standard benefits are protected during the appeal process by aid pending.

The appellant confirmed that his income was accurate, but he has had the same job and same income for about the past five years. He understood that he was over income for MassHealth benefits but is in the process of getting dental work done and needs his current MassHealth Standard coverage.

The MassHealth representative explained that he would need to enroll in a Connector Care plan by the 23rd of the month to start coverage by the 1st of the following month; however, his MassHealth Standard coverage would remain in place through the appeal process due to aid pending.

Findings of Fact

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

1. The appellant is under the age of 65 with a household size of one (Testimony and Exhibit 4).
2. On June 1, 2023, MassHealth notified the appellant that his coverage would change from MassHealth Standard to the Health Safety Net due to a change in circumstances (Testimony and Exhibit 1).
3. The appellant's income is \$625 gross per week, or \$2,708 gross per month, which put him at 217.89% of the Federal Poverty Level (Testimony and Exhibit 1).
4. The appellant did not dispute his income level (Testimony).
5. To qualify for MassHealth benefits, the appellant's income would have to be at or below 133% of the Federal Poverty Level, or \$1,616 for a household of one (Testimony).

6. On June 14, 2023, the appellant timely appealed the notice (Exhibit 2).

Analysis and Conclusions of Law

MassHealth offers a variety of benefits based upon an individual's circumstances and finances. To qualify for MassHealth, an individual must fit into a category of eligibility and fall below a certain financial threshold.

The MassHealth coverage types are set forth at 130 CMR 505.001(A) as follows:

- (1) Standard for pregnant women, children, parents and caretaker relatives, young adults,¹ disabled individuals, certain persons who are HIV positive, individuals with breast or cervical cancer, independent foster care adolescents, Department of Mental Health members, and medically frail as such term is defined in 130 CMR 505.008(F);
- (2) CommonHealth for disabled adults, disabled young adults, and disabled children who are not eligible for MassHealth Standard;
- (3) CarePlus for adults 21 through 64 years of age who are not eligible for MassHealth Standard;
- (4) Family Assistance for children, young adults, certain noncitizens and persons who are HIV positive who are not eligible for MassHealth Standard, CommonHealth, or CarePlus;
- (5) Small Business Employee Premium Assistance for adults or young adults who
 - (a) work for small employers;
 - (b) are not eligible for MassHealth Standard, CommonHealth, Family Assistance, or CarePlus;
 - (c) do not have anyone in their premium billing family group who is otherwise receiving a premium assistance benefit; and
 - (d) have been determined ineligible for a Qualified Health Plan with a Premium Tax Credit due to access to affordable employer-sponsored insurance coverage;
- (6) Limited for certain lawfully present immigrants as described in 130 CMR 504.003(A), nonqualified PRUCOLs and other noncitizens as described in 130 CMR 504.003: *Immigrants*; and
- (7) Senior Buy-in and Buy-in for certain Medicare beneficiaries.

Categorically, the appellant is eligible for CarePlus (not Standard); however, under 130 CMR 505.008(A)(2)(c), the income limit for CarePlus coverage is 133% of the FPL. For a household of one, that limit is \$1,616 per month. The appellant's most recently verified gross monthly income is \$2,708, or 217.89% of the FPL. Based on this figure, he is over the income limit for MassHealth

¹ "Young adults" are defined at 130 CMR 501.001 as those aged 19 and 20.

CarePlus benefits. For these reasons, the MassHealth decision is correct and 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.

Alexandra Shube
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Nga Tran, Charlestown MassHealth Enrollment Center, 529 Main Street, Suite 1M, Charlestown, MA 02129