

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2305950
<b>Decision Date:</b>	10/6/2023	<b>Hearing Date:</b>	08/21/2023
<b>Hearing Officer:</b>	Christopher Jones		

**Appearance for Appellant:**  
Pro se

**Appearance for MassHealth:**  
Ryan Bond – Tewksbury HCR



*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>	Under-65; Eligibility - Income
<b>Decision Date:</b>	10/06/2023	<b>Hearing Date:</b>	08/21/2023
<b>MassHealth's Rep.:</b>	Ryan Bond	<b>Appellant's Rep.:</b>	Pro se
<b>Hearing Location:</b>	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 June 28, 2023, MassHealth downgraded the appellant's CarePlus benefits to Health Safety Net. (Exhibit 1). The appellant filed this appeal in a timely manner on July 20, 2023.<sup>1</sup> (Exhibit 2; 130 CMR 610.015(B).) Denial of assistance is valid grounds for appeal. (130 CMR 610.032.)

### Action Taken by MassHealth

MassHealth terminated the appellant's CarePlus benefits based upon the appellant's income.

### Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 505.008; 506.007, in determining that the appellant's income is too high to qualify for MassHealth CarePlus.

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<sup>1</sup> Because the appellant's CarePlus benefits were not due to end until July 31, 2023, their benefits are continued pending the outcome of this appeal. (130 CMR 610.036.)

## Summary of Evidence

The appellant is under the age of 65, has a household of one, and receives gross Social Security benefits in the monthly amount of \$2,775. She completed an annual renewal application in June, and MassHealth sent out the appealed notice in response. MassHealth's representative explained that the income threshold for the CarePlus benefit was only 133% of the federal poverty level. The federal poverty level for an individual is \$1,215 per month, and the appellant's household income was equivalent to 223%.

The appellant was upset because the only change in her income was the cost-of-living adjustment for her Social Security benefits, and she did not believe that this would have been enough money to have put her so far out of eligibility for MassHealth. It was explained that the appellant's eligibility has been protected for the past few years due to the Federal Public Health Emergency for Covid 19. That protection ended on April 1, and MassHealth began redetermining eligibility again. The appellant was surprised that this was related to the ending of the Federal Public Health Emergency, but otherwise understood that she was not eligible going forward. She was also concerned because she attempted to shop for insurance through the Health Connector, and only three plans were available and none of them covered all of her doctors. She was particularly concerned about keeping her PCP, her cardiologist, and her ophthalmologists. She did not want to lose any of them for the brief period of time before she was eligible for Medicare, and they would be covered again. She receives early retirement benefits from Social Security and has not been deemed disabled.

She understood that her concerns regarding coverage of her providers needed to be addressed with the Health Connector. However, if she felt that her medical conditions were sufficiently impacting her everyday activities, she may want to submit a Disability Supplement to MassHealth. If MassHealth were able to find her disabled, she could then become eligible for the CommonHealth benefit.

## Findings of Fact

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

1. The appellant is under the age of 65. (Testimony by MassHealth representative.)
2. The appellant completed an annual renewal in June 2023, verifying Social Security benefits in the amount of \$2,775 per month. (Testimony by MassHealth's representative.)
3. The appellant has not been deemed disabled by Social Security, rather she took retirement benefits prior to turning 65. (Testimony by the appellant.)

## Analysis and Conclusions of Law

MassHealth offers a variety of coverage types based upon an individual's circumstances and finances. To qualify for MassHealth, an individual must fit into a category of eligibility and fall below the relevant financial thresholds. Financially, members under the age of 65 who seek MassHealth Standard or CarePlus benefits must have countable income under 133% of the federal poverty level. (130 CMR 505.002(E), 505.008(A).) However, disabled adults between the ages of 19 and 64 can qualify for the CommonHealth program, regardless of their income, by meeting either a one-time deductible or working for 40 hours a month.<sup>2</sup> (See 130 CMR 505.004(B)-(C), 506.009.)

For individuals under the age of 65, countable unearned income includes "the total amount of taxable income" a member receives "after allowable deductions on the U.S Individual Tax Return," and specifically includes "social security benefits." (130 CMR 506.003(B).) In calculating a member's eligibility, "[f]ive percentage points of the current federal poverty level (FPL) is subtracted from the applicable household total countable income to determine eligibility of the individual under the coverage type with the highest income standard." (130 CMR 506.007(A)(3).)

Five percent of the federal poverty level is \$60.75. The appellant's income for eligibility purposes is \$2,714.25, which is equivalent to 223.4% of the federal poverty level. Because the appellant's income is over 133% of the federal poverty level, MassHealth was correct that she is ineligible for CarePlus. This appeal is DENIED.

If the appellant submits a disability supplement, she may become eligible for the CommonHealth benefits. This benefit provides comprehensive insurance to disabled adults with income over the limits for MassHealth Standard. Members must satisfy a deductible or work at least 40 hours per month, and they may also be assessed a monthly premium. (See 130 CMR 505.004; 506.011.)

## Order for MassHealth

Remove Aid Pending.

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<sup>2</sup> MassHealth's representative did not discuss whether the appellant had satisfied the one-time deductible or had a working letter on file to qualify for CommonHealth.

## **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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Christopher Jones  
Hearing Officer  
Board of Hearings

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