

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2306733
<b>Decision Date:</b>	10/24/2023	<b>Hearing Date:</b>	September 14, 2023
<b>Hearing Officer:</b>	Brook Padgett		

**Appellant Representative:**

Pro se

**MassHealth Representative:**

Robert Hines, Springfield MEC



*Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Office of Medicaid  
Board of Hearings  
100 Hancock Street, 6<sup>th</sup> floor  
Quincy, MA 02171*

## APPEAL DECISION

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	Over 65 Income Eligibility 130 CMR 519.005
<b>Decision Date:</b>	10/24/2023	<b>Hearing Date:</b>	September 14, 2023
<b>MassHealth Rep.:</b>	R. Hines	<b>Appellant Rep.:</b>	Pro se
<b>Hearing Location:</b>	Springfield		

### Authority

The hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder.

### Jurisdiction

The Appellant received a notice dated July 17, 2023 stating: "MassHealth has decided that you are eligible for the MassHealth Senior Buy-In."<sup>1</sup> 130 CMR 520.002, 520.028 (Exhibit 1).

The Appellant filed this appeal timely on August 08, 2023. (130 CMR 610.015(B); Exhibit 2).

MassHealth eligibility is valid grounds for appeal. (130 CMR 610.032).

### Action Taken by MassHealth

The Appellant was denied MassHealth Standard coverage and approved for MassHealth Buy-In.

### Issue

Was the Appellant's MassHealth eligibility correctly determined?

---

<sup>1</sup> The notice indicated the Appellant could be eligible for MassHealth Standard coverage by meeting a six month deductible of \$4,860.00.

## Summary of Evidence

MassHealth testified that the Appellant's eligibility was review as she recently turned ■ years old. MassHealth stated the Appellant has gross monthly income of \$1,352.00 (Social Security) which exceeds 100% of the federal poverty level (FPL) for a household of one (\$1,215.00 per month) making her ineligible for MassHealth Standard benefits. MassHealth explained that, although the Appellant is over the 100% of the FPL limit, she is eligible for Senior Buy-In coverage.

The Appellant testified that she understands that she is over income and eligible for Buy-In; however she needs transportation (PT-1) and is appealing that she is not eligible for MassHealth Standard.

MassHealth responded that they would send the Appellant a PCA supplement to complete. MassHealth stated that, if the Appellant is determined to need a PCA, then her eligibility would be redetermined at 133% of the FPL and would have her Standard coverage reinstated.

The Appellant then stated that she would complete the form but was concerned that her current home health care worker would be affected.

## Findings of Fact

1. The Appellant is over 65 years of age. (Testimony)
2. The Appellant has a total monthly income of \$1,352.00. (Testimony)
3. 100 percent of the federal-poverty level for a household of one is \$1,215.00. (Testimony)
4. The Appellant has a six month deductible of \$4,860.00 for MassHealth Standard eligibility. (Exhibit 1).

## Analysis and Conclusions of Law

Noninstitutionalized individuals aged 65 and older may establish eligibility for MassHealth Standard coverage if their countable-income is less than or equal to 100 percent of the federal poverty level.

The Appellant is over 65 and lives alone in the community with monthly income of \$1,352.00. The FPL for a family unit of one is \$1,215.00 a month. The regulations dictate that when an individual is over 65 and has monthly income above 100% of the FPL, they are ineligible for MassHealth Standard. The regulations further state that an individual can become eligible for MassHealth Standard by meeting a six month deductible which is calculated by taking the household's unearned income, less the allowable unearned income disregard and the MassHealth Standard

deduction which is multiplied by six ( $\$1,352.00 - \$20.00 - \$522.00 = \$810.00 \times 6 = \$4,860.00$ ).

**130 CMR 519.005: Community Residents Aged 65 and Older**

(A) **Eligibility Requirements** Except as provided in 130 CMR 519.005(C), noninstitutionalized individuals aged 65 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, of the individual or couple is less than or equal to 100 percent of the federal poverty level; . . . and

**130 CMR 520.030: Calculating the Deductible**

The deductible is determined by multiplying the excess monthly income by six. Excess monthly income is the amount by which the applicant's countable-income amount as described in 130 CMR 520.009 exceeds the MassHealth deductible-income standard.

MassHealth correctly determined that the Appellant was over the income standard for MassHealth Standard coverage and that the deductible to establish MassHealth Standard eligibility was properly calculated. The regulations controlling income eligibility are unambiguous and must be applied to all individuals. This appeal is therefore 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.

---

Brook Padgett  
Hearing Officer  
Board of Hearings

cc: MassHealth representative: Springfield MEC