

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2306773
Decision Date:	10/31/2023	Hearing Date:	09/11/2023
Hearing Officer:	Rebecca Brochstein		

Appearances for Appellant:



Appearances for MassHealth:

Chris Champagne, Springfield MEC



Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
Board of Hearings
100 Hancock Street
Quincy, MA 02171

APPEAL DECISION

Appeal Decision:	Denied	Issue:	Eligibility; Over 65
Decision Date:	10/31/2023	Hearing Date:	09/11/2023
MassHealth Rep.:	Chris Champagne	Appellant's Rep.:	Pro se
Hearing Location:	Springfield MassHealth Enrollment Center (Telephonic)	Aid Pending:	No

Authority

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

Jurisdiction

Through a notice dated July 21, 2023, MassHealth approved the appellant for a Buy-In program and denied her for MassHealth Standard benefits (Exhibit 1). The appellant filed a timely appeal on August 9, 2023 (Exhibit 2). Denial of benefits is a valid basis for appeal (130 CMR 610.032).

Action Taken by MassHealth

MassHealth determined that the appellant was eligible for a Buy-In program but denied her for MassHealth Standard benefits.

Issue

The appeal issue is whether MassHealth correctly determined that the appellant is eligible for a Buy-In program but not MassHealth Standard.

Summary of Evidence

An eligibility worker from the Springfield MassHealth Enrollment Center appeared at the hearing telephonically and testified as follows: The appellant, who is over the age of 65, was previously approved for the MassHealth Senior Buy-In¹ program, under which MassHealth covers her Medicare Part B premium. On July 21, 2023, the appellant submitted a renewal application to MassHealth. The appellant verified income from a pension in the amount of \$128.90 per month, and from Social Security in the amount of \$1,306 per month. The total of \$1,434.90 puts her at 116.4% of the federal poverty level for a household of one. In addition, the appellant verified assets totaling \$12,677. Based on this information, MassHealth determined that she remains eligible for a Buy-In program. The MassHealth representative stated that the appellant is not eligible for MassHealth Standard, which has an income limit of 100% of the federal poverty level and an asset limit of \$2,000.

The appellant appeared at the hearing telephonically and testified on her own behalf. She stated that MassHealth had been covering her physical therapy copayments but “suddenly stopped” in early July 2023. She explained that she has been working with a pain management team for issues related to her knees and needs to continue physical therapy. She stated that she would like MassHealth to cover her \$20 copayment for these visits.

The MassHealth eligibility worker stated that in pre-hearing discussions with the appellant he explained that if she requires a certain level of personal assistance in her home, she may be clinically eligible for a PCA “disregard” or deduction from her income; this could bring her countable income below the limit for MassHealth Standard. However, he stated, she would still need to spend down her assets to below the \$2,000 limit for that coverage type.

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 family group of one.
2. The appellant was previously approved for the Senior Buy-In program.
3. On July 21, 2023, the appellant submitted a renewal application to MassHealth.
4. The appellant verified total income of \$1,434.90, which includes income from a pension and from Social Security. This puts her at 116.4% of the federal poverty level for her household size.
5. The appellant verified assets totaling \$12,677.

¹ The Buy-In programs are now known collectively as Medicare Savings Programs (MSPs).

6. On July 21, 2023, MassHealth determined that the appellant is not eligible for MassHealth Standard, but again approved her for a Buy-In program.
7. On August 9, 2023, the appellant filed a timely appeal of the MassHealth notice.

Analysis and Conclusions of Law

The MassHealth eligibility criteria for community residents who are age 65 and older are found at 130 CMR 519.005. Part (A) of that regulation states that except as provided in 130 CMR 519.005(C)², 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% 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.

In this case, MassHealth determined that the appellant's income and assets exceed the program limits for MassHealth Standard. That decision was correct. The appellant's income is at 116.4% of the federal poverty level, and her total assets are valued at \$12,677. These figures are above the regulatory limits for the appellant to qualify for MassHealth Standard.

However, MassHealth correctly determined that the appellant is eligible for a Medicare Savings Program, also known as a "Buy-In" program. The Medicare Savings Programs are federally funded programs administered by individual states that pay for some or all of their low-income Medicare recipients' premiums, deductibles, copayments, and co-insurance. Effective January 1, 2023, the income limits for the three Massachusetts MSP coverage types are as follows:

Qualified Medicare Beneficiaries (QMB): The countable income limit is at or below 190% of the federal poverty level.

Specified Low-Income Medicare Beneficiaries (SLMB): The countable income limit is greater than 190% and less than or equal to 210% of the FPL.

Qualifying Individuals (QI): The countable income limit for the QI program is greater than 210% and less than or equal to 225% of the FPL.

For 2023, the asset limits for the MSP programs are \$18,180 for an individual and \$27,260 for a married couple. See MassHealth Eligibility Operations Memo 23-04; 130 CMR 519.010 and

² The exceptions in section (C) are reserved for parents and caretaker relatives of children under age 19.

519.011.

As the appellant's income and assets are well within the limits for an MSP or "Buy-In" program, MassHealth correctly approved her for this coverage. Because there was no error in MassHealth's determination, this 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.

Rebecca Brochstein
Hearing Officer
Board of Hearings

cc: Springfield MEC