

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2306901
Decision Date:	11/2/2023	Hearing Date:	09/11/2023
Hearing Officer:	Kimberly Scanlon		

Appearance for Appellant:
Via telephone
Pro se

Appearance for MassHealth:
Via telephone
Brian Hatch



*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:	Dismissed	Issue:	Eligibility; Over 65; Over Income
Decision Date:	11/2/2023	Hearing Date:	09/11/2023
MassHealth's Rep.:	Brian Hatch	Appellant's Rep.:	<i>Pro se</i>
Hearing Location:	Charlestown MassHealth Enrollment Center - Room 2 (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 August 5, 2023, MassHealth notified the Appellant that she was eligible for Senior Buy In benefits. The notice further stated that the Appellant was not eligible for MassHealth Standard or Limited benefits because MassHealth determined that she was over the allowable income limits. (See, 130 CMR 520.002; 520.028; Exhibit 1). The Appellant filed this appeal in a timely manner on August 11, 2023. (See, 130 CMR 610.015(B); Exhibit 2). Denial of assistance is valid grounds for appeal. (See, 130 CMR 610.032).

Action Taken by MassHealth

MassHealth notified the Appellant that she was eligible for Senior Buy In benefits, and not eligible for MassHealth Standard or Limited benefits because she was over the allowable income limits.

Issue

The appeal issue is whether MassHealth was correct in determining that the Appellant is ineligible

for MassHealth Standard or Limited benefits.

Summary of Evidence

The MassHealth representative appeared at the hearing *via* telephone and testified as follows: In July of 2023, MassHealth received the Appellant's senior application which was processed. MassHealth then sent a notice to the Appellant requesting further information. The Appellant submitted the requested information and MassHealth subsequently determined that the Appellant was only eligible for Senior Buy In benefits because her income exceeds the allowable income limits for MassHealth Standard benefits. The MassHealth representative explained that the income limit for MassHealth Standard is \$ 1,215.00 per month.¹ The Appellant grosses \$ 1,302.90 per month in social security income.

The Appellant appeared at the hearing telephonically and inquired whether her income exceeds 100% of the Federal Poverty Level (hereinafter "FPL"). In response, the MassHealth representative testified that the Appellant's income does exceed 100% of the FPL. The Appellant further inquired why MassHealth did not consider 130% of the FPL for MassHealth Standard benefits. The MassHealth representative explained that for members 65 and older, 100% of the FPL is used to determine eligibility for MassHealth Standard benefits, in accordance with regulations. He further explained that 130% is the limit for Senior Buy In benefits, which the Appellant is eligible to receive. The Appellant then inquired as to whether Senior Buy In benefits include coverage for eye and dental care. The MassHealth representative explained that Senior Buy In benefits are not medical benefits, rather, they are financial benefits. He further explained that Senior Buy In pays for the Appellant's Part A and Part B Medicare premiums. With respect to eye and dental coverage, the MassHealth representative explained that the Appellant would need to have those services performed at a hospital or community health center for her Health Safety Net coverage to pay for services rendered. The Appellant testified that she is disabled and made inquiry as to whether MassHealth factors this in for members 65 and older. The MassHealth representative explained that MassHealth factors income and assets for members 65 and older. Conversely, for members under the age of 65, MassHealth factors income only. The MassHealth representative further explained that there are different regulations that MassHealth must follow for members under the age of 65 and for members 65 years of age and older. The Appellant next inquired as to whether MassHealth will cover her deductibles. The MassHealth representative reiterated that Senior Buy In will cover her Part A and Part B Medicare premiums. He testified that so long as Medicare covers 80% of the services rendered, MassHealth will cover the remainder. The Appellant testified that she did not realize the amount of assistance that Senior Buy In benefits provide. She explained that she was under the impression that she would have to meet the deductible amount listed on the notice that MassHealth sent her. (See, Exhibit 1, p. 3). The MassHealth representative clarified that the deductible amount listed is to qualify for MassHealth Standard benefits. The Appellant testified that a MassHealth employee previously recommended

¹ See, <https://www.mass.gov/doc/2023-masshealth-income-standards-and-federal-poverty-guidelines-0/download>.

that she submit a letter stating that she is employed 40 hours per month because she would then qualify for MassHealth CommonHealth benefits. The MassHealth representative explained that if the Appellant was deemed disabled and was employed for 40 hours per month, she may qualify for CommonHealth benefits. The Appellant inquired whether senior housing is long-term care. The MassHealth representative explained that long-term care entails 24-7 care from a skilled nursing facility. He further explained that a senior living community is not typically considered to be a long-term care facility. The Appellant expressed her appreciation for the explanations given by the MassHealth representative.

Findings of Fact

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

1. On or about August 5, 2023, MassHealth notified the Appellant that she was eligible for Senior Buy In benefits but not eligible for MassHealth Standard or Limited benefits because she is over the allowable income limits. (Exhibit 1).
2. The Appellant timely appealed on or about August 11, 2023. (Exhibit 2).
3. The Appellant's income exceeds 100% of the FPL. (Testimony).
4. Senior Buy In benefits provide financial assistance only. (Testimony).
5. The Appellant qualifies for Health Safety Net coverage. (Testimony).
6. The Health Safety Net provides medical coverage for patients at hospitals and community health centers. (Testimony).
7. Senior Buy In benefits assist with payment of Medicare Part A and Part B premiums. (Testimony).

Analysis and Conclusions of Law

MassHealth may make an adjustment in the matters at issue before or during an appeal period. (See, 130 CMR 610.051(B)). If the parties' adjustment resolves one or more of the issues in dispute in favor of the Appellant, the hearing officer, by written order, may dismiss the appeal in accordance with 130 CMR 610.035 as to all resolved issues, noting as the reason for such dismissal that the parties have reached agreement in favor of the appellant. *Id.*

With respect to 130 CMR 610.035, the Board of Hearings will dismiss a hearing when....

- (1) the request is not received within the time frame specified in 130 CMR 610.015;
- (2) the request is withdrawn by the appellant;
- (3) the sole issue is one of state or federal law requiring automatic change in assistance for classes of members;
- (4) the stated reason for the request does not constitute grounds for appeal as set forth in 130 CMR 610.032. Without limiting the generality of the foregoing, except as provided in 130 CMR 610.032(A)(11), no provider decision or action including, but not limited to, a provider determination about whether or the extent to which a service is medically necessary constitutes an appealable action hereunder;
- (5) the stated reason for the hearing request is outside the scope of 130 CMR 610.000 as set forth in 130 CMR 610.003;
- (6) BOH has conducted a hearing and issued a decision on the same appealable action arising out of the same facts that constitute the basis of the request;
- (7) the party requesting the hearing is not an applicant, member, or resident as defined in 130 CMR 610.004;
- (8) BOH learns of an adjustment or action that resolves all of the issues in dispute between the parties;
- (9) BOH learns that the applicant or member has passed away prior to the date of filing and there is no full compliance with 130 CMR 610.016(B) within ten days of a BOH request;
- (10) BOH learns that the applicant or member has passed away prior to the date of filing and scheduling a hearing and is not informed until the date of the hearing and there is no full compliance with 130 CMR 610.016(B); or
- (11) the appellant fails to appear at a scheduled hearing.

....

(130 CMR 610.035(A)).

In the present case, the Appellant testified that she was satisfied with the explanations given by the MassHealth representative. Because the appeal issue has been resolved in the Appellant's favor, there is nothing left to dispute before the hearing officer. For the above-stated reasons, this appeal is dismissed. Any subsequent MassHealth notices issued to the Appellant may be separately appealed.

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.

Kimberly Scanlon
Hearing Officer
Board of Hearings

cc:

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