

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2307500
Decision Date:	10/24/2023	Hearing Date:	09/11/2023
Hearing Officer:	Kimberly Scanlon	Record Open to:	10/06/2023

Appearance for Appellant:

Via telephone

Pro se

Appearance for MassHealth:

Via telephone

Iria Saracevic



*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; Over 65; Over asset
Decision Date:	10/24/2023	Hearing Date:	09/11/2023
MassHealth's Rep.:	Iria Saracevic	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 14, 2023, MassHealth notified the Appellant that she did not qualify for MassHealth benefits because MassHealth determined that she was over the allowable asset limits. The notice also stated that the Appellant can opt to reduce her assets within 30 days to be eligible for MassHealth benefits. (130 CMR 520.003; 520.004; Exhibit 1). The Appellant filed this appeal in a timely manner on August 21, 2023. (130 CMR 610.015(B); Exhibit 2). Denial of assistance is valid grounds for appeal. (130 CMR 610.032).

Action Taken by MassHealth

MassHealth notified the Appellant that she did not qualify for MassHealth benefits because she was over the allowable asset limits.

Issue

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

allowable asset limits to qualify for MassHealth 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 renewal application. Her renewal application was subsequently processed. Next, MassHealth sent the Appellant a request for information, requesting additional information. The Appellant submitted the requested documentation in-person. The additional documentation that she submitted was processed. MassHealth subsequently determined that the Appellant was over the allowable asset limit by \$ 138,763.11. (Exhibit 1). The MassHealth representative explained that the Appellant was notified of the 30-day option to spend down her assets to the allowable limit of \$ 2,000.00 to qualify for MassHealth benefits. *Id.*

The Appellant appeared at the hearing telephonically and testified that she submitted her information to MassHealth last year (and the year prior) regarding her assets, without issue. The Appellant further testified that she does not understand what is different because her assets are not considered as earned income. In response, the MassHealth representative explained that the Appellant's benefits that she formerly received were protected during the COVID pandemic. Those protections were lifted in April of 2023, however. The Appellant testified that she was not notified about the COVID pandemic protections ending and reiterated that she does not understand what has changed between last year and this year. Upon inquiry, the MassHealth representative explained that the Appellant is over the age of 65. She testified that for members 65 and older, MassHealth takes income and assets into account to determine eligibility. Conversely, for members under the age of 65, MassHealth does not take assets into account to determine eligibility.¹

Upon inquiry, the Appellant testified that she could reduce her assets to the allowable limit of \$ 2,000.00. She reiterated that she does not understand why MassHealth considers her inheritance to be earned income. In response, the MassHealth representative explained that MassHealth considers inheritances to be countable assets for members over the age of 65.² She suggested that the Appellant contact MassHealth should she ever have questions pertaining to assets.

Following the hearing the record was left open until October 2, 2023 for the Appellant to submit documentation to MassHealth, showing that her assets were spent down to the allowable asset limit. The record was also left open until October 6, 2023 for MassHealth to review the Appellant's submitted documentation. (Exhibit 7).³ The MassHealth representative subsequently reported

¹ In accordance with MassHealth regulations.

² The MassHealth representative further explained that the Appellant collects her inheritance every month as well.

³ The MassHealth representative offered to contact the Appellant by telephone to remind her of the due date on or before October 2, 2023, to which the Appellant agreed.

that MassHealth did not receive any further documentation from the Appellant showing that her assets were spent down. (Exhibit 8).⁴

Findings of Fact

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

1. The Appellant is over the age of 65. (Exhibit 3).
2. On or about August 14, 2023, MassHealth notified the Appellant that she was over the allowable asset limits to qualify for MassHealth benefits. (Testimony; Exhibit 1).
3. The Appellant was further notified that she has the option of reducing her assets to \$ 2000.00 within 30 days to qualify for MassHealth benefits. (Testimony; Exhibit 1).
4. The Appellant timely appealed on or about August 21, 2023. (Exhibit 2).
5. The record was left open until October 2, 2023 for the Appellant to submit documentation showing that her assets were spent down to the allowable limit. (Exhibit 7).
6. The record was also left open until October 6, 2023 for MassHealth to review the submitted documentation. (Exhibit 7).
7. MassHealth did not receive any documentation from the Appellant showing that her assets have been spent down. (Exhibit 8).

Analysis and Conclusions of Law

The regulations at 130 CMR 515.000 through 520.000 provide the requirements for MassHealth eligibility for persons age 65 and older. (130 CMR 515.002). A non-institutionalized person age 65 and older may establish eligibility for MassHealth Standard coverage if the countable income is less than or equal to 100% of the Federal Poverty Level, and the countable assets of an individual are \$2,000.00 or less. (130 CMR 519.005). The Appellant verified assets in excess of \$2,000.00 and as a result, is not eligible for MassHealth Standard coverage. The Appellant is eligible for Health Safety Net coverage. (Exhibit 3).

The Appellant would need to verify assets at or below \$2,000.00 and meet a six-month deductible before MassHealth eligibility can be established. (130 CMR 520.028).

⁴ The MassHealth representative also reported that she attempted to contact the Appellant by telephone during the Record Open period, to no avail. (Exhibit 8).

Here, the Appellant was granted a post-hearing record open period to submit the pertinent documentation to MassHealth. Specifically, pertinent documentation showing that the Appellant's assets were spent down to \$ 2,000.00. Unfortunately, the Appellant did not submit this information. Therefore, the action taken by MassHealth was within the regulations. 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.

Kimberly Scanlon
Hearing Officer
Board of Hearings

cc:

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