

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2308148
Decision Date:	11/16/2023	Hearing Date:	10/16/2023
Hearing Officer:	Emily Sabo		

Appearance for Appellant:




Appearance for MassHealth:

Courtney Juday, Springfield MEC



*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:	Medicare Savings Program (MSP); Qualified Medicare Beneficiaries (QMB); Senior Buy-In
Decision Date:	11/16/2023	Hearing Date:	10/16/2023
MassHealth's Rep.:	Courtney Juday	Appellant's Rep.:	
Hearing Location:	Springfield MassHealth Enrollment Center (Telephone)	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 determined that the Appellant was eligible for MassHealth Senior Buy-In benefits, effective September 1, 2023 (see 130 CMR 519.010 and Exhibit 1). The appellant filed this appeal in a timely manner on September 11, 2023, challenging the start date of the Senior Buy-In benefits (see 130 CMR 610.015(B) and Exhibit 2). A challenge to the start or denial of MassHealth assistance for a period of time is valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth determined that the Appellant was eligible for MassHealth Senior Buy-In (Medicare Savings Plan (MSP)—Qualified Medicare Beneficiaries (QMB)) benefits, effective September 1,

2023.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 519.010, in determining that September 1, 2023, is the correct start date for the Appellant's eligibility for the MSP-QMB benefit.

Summary of Evidence

The MassHealth representative appeared telephonically and testified that the Appellant is over the age of 65 and has a household size of one. The MassHealth representative testified that the Appellant receives \$1,047 in monthly income, through social security, and has assets of \$14,000 in a certificate of deposit. The MassHealth representative testified that MassHealth received the Appellant's MSP-QMB application on July 21, 2023, processed the application on August 8, 2023, and approved the application on August 14, 2023. The MassHealth representative testified that the Appellant met the asset and income requirements for the MSP-QMB benefit and pursuant to 130 CMR 519.010(C), the beginning date for MSP coverage is the first day of the calendar month following the date of the MassHealth eligibility determination, which is September 1, 2023.

The Appellant appeared telephonically and verified her identity. The Appellant's representative testified that they did not dispute MassHealth's testimony but were appealing the determination based on financial hardship. The Appellant's representative testified that the Appellant submitted her MSP-QMB application as soon as the Appellant learned her MassHealth Standard coverage was ending, effective July 31, 2023. The Appellant's representative testified that the Appellant has \$585 in uncovered medical expenses for the month of August 2023, which is a hardship based on her income and that her assets in a certificate of deposit are not easily liquidated.

Findings of Fact

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

1. The Appellant is an individual over the age of 65 with a household size of one (Testimony).
2. The Appellant receives \$1,047 in monthly income, through social security, and has assets of \$14,000 in a certificate of deposit (Testimony).
3. MassHealth received the Appellant's MSP-QMB application on July 21, 2023 (Testimony).
4. MassHealth processed the Appellant's MSP-QMB application on August 8, 2023 (Testimony).

5. MassHealth approved the Appellant's MSP-QMB application on August 14, 2023, with a benefit start date of September 1, 2023 (Testimony and Exhibit 1).

Analysis and Conclusions of Law

The MassHealth MSP–QMB regulations at 130 CMR 519.010 provide:

(A) Eligibility Requirements. (Qualified Medicare Beneficiary (QMB) coverage is available to Medicare beneficiaries who

- (1) are entitled to hospital benefits under Medicare Part A;
- (2) have a countable income amount (including the income of the spouse with whom he or she lives) that is less than or equal to 130% of the federal poverty level;
- (3) have countable assets less than or equal to two times the amount of allowable assets for Medicare Savings Programs as identified by the Centers for Medicare and Medicaid Services. Each calendar year, the allowable asset limits shall be made available on MassHealth's website; and
- (4) meet the universal requirements of MassHealth benefits in accordance with 130 CMR 503.000 : *Health Care Reform: MassHealth Universal Eligibility Requirements* or 517.000 : *MassHealth Universal Eligibility Requirements*, as applicable.

(B) Benefits. The MassHealth agency pays for Medicare Part A and Part B premiums and for deductibles and coinsurance under Medicare Parts A and B for members who establish eligibility for MassHealth Senior Buy-In coverage in accordance with 130 CMR 519.010(A).

(C) Begin Date. The begin date for MassHealth Senior Buy-In coverage is the first day of the calendar month following the date of the MassHealth eligibility determination.

130 CMR 519.010.

MassHealth Eligibility Operations Memo (EOM) 23-04 dated February 2023, amended the MassHealth MSP/Buy In regulations. The EOM states that effective January 1, 2023, MSP income and asset limits for each coverage type are as follows.

- The countable income limit for the QMB program is at or below 190% of the federal poverty level.
- The countable income limit for the SLMB program is greater than 190% and less than or equal to 210% of the federal poverty level.
- The countable income limit for the QI program is greater than 210% and less than or equal to 225% of the federal poverty level.
- 2023 Asset Limits
Individual — \$18,180; Married couple — \$27,260

(MassHealth EOM 23-04, February 2023).

Here, the Appellant submitted her MSP–QMB application on July 21, 2023. MassHealth determined that the Appellant was eligible for MSP–QMB on August 14, 2023. Therefore, based on 130 CMR 519.010, the start date for the Appellant’s MSP–QMB coverage is the first day of the calendar month following August 14, 2023, which is September 1, 2023. Hence, MassHealth did not err in determining that the Appellant’s MSP–QMB coverage was to begin on September 1, 2023.

While sympathetic to the Appellant’s situation, the Fair Hearing Rules do not authorize hearing officers to issue decisions based on fairness or equity. See 130 CMR 610.082. A hearing officer’s decision must be rendered in accordance with the law and may be based only upon “evidence, testimony, materials, and legal rules presented at hearing, including the MassHealth agency’s interpretation of its rules, policies and regulations.” *Id.* Accordingly, the Appellant’s 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.

Emily T. Sabo
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Dori Mathieu, Springfield MassHealth Enrollment Center, 88 Industry Avenue, Springfield, MA 01104, 413-785-4186

[REDACTED]