

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2308302
Decision Date:	11/21/2023	Hearing Date:	09/29/2023
Hearing Officer:	Scott Bernard		

Appearance for Appellant:




Appearance for MassHealth:

Mul Ouer (Taunton MEC) *via* telephone



*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:	Community Over 65/ Medicare Savings Program (MSP) Qualifying Individuals/Income
Decision Date:	11/21/2023	Hearing Date:	09/29/2023
MassHealth's Rep.:	Mul Ouer	Appellant's Rep.:	
Hearing Location:	Taunton MassHealth Enrollment Center		

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 it was ending MSP-QI because her income exceeded the income limit. (See 130 CMR 519.011(B) and Exhibit (Ex.) 1). The appellant filed this appeal in a timely manner on September 13, 2023. (See 130 CMR 610.015(B) and Ex. 2). Denial of assistance is valid grounds for appeal. (See 130 CMR 610.032).

Action Taken by MassHealth

MassHealth terminated the appellant from MSP-QI because her income exceeded the income limit.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 519.011(B), in determining that the appellant's income exceeded the income limit for MSP-QI.

Summary of Evidence

The appellant is over the age of 65 with a household of one. (Ex. 3). The appellant lives in the community. MassHealth approved the appellant for MassHealth Standard on June 28, 2023. (Ex. 3). At that time, the appellant's monthly income was \$1,166.90 per month, which was under the monthly income limit for MassHealth Standard, which was \$1,215 per month for a single person who is over 65. On August 12, 2023, the appellant reported her income increased to \$2,809 per month. The appellant is now over the income limit for both MassHealth Standard and for MSP-QI.

The appellant confirmed that the reported gross income was correct. The appellant's representative stated that these were difficult circumstances. The appellant was recently widowed after her husband died unexpectedly in [REDACTED]. The appellant has been left alone. The appellant previously received \$1,300 in Social Security for herself. The appellant then began receiving survivor's benefits, which bumped her income up to \$2,800. The appellant has two mortgages of around \$1,350, which use up almost her entire income. The appellant has tried to apply for programs that would reduce the cost of her utilities. The appellant still has a negative income, however. The appellant applied for MassHealth in order to get help with her medical care. The appellant and the appellant's representative realized that the survivor's benefits increased her income to slightly above the income limit for MSP-QI but it was only \$100 over that limit.

Findings of Fact

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

1. The appellant is over the age of 65 with a household of one. (Ex. 3; Testimony of the MassHealth representative).
2. The appellant lives in the community. (Testimony of the MassHealth representative).
3. MassHealth approved the appellant for MassHealth Standard on June 28, 2023. (Ex. 3; Testimony of the MassHealth representative).
4. At that time, the appellant's monthly income was \$1,166.90 per month, which was under the monthly income limit for MassHealth Standard, which was \$1,215 per month for a single person who is over 65. (Testimony of the MassHealth representative).
5. On August 12, 2023, the appellant reported her income increased to \$2,809 per month. (Testimony of the MassHealth representative; Testimony of the appellant).
6. On August 14, 2023, MassHealth notified the appellant that it was ending her MSP-QI because she was over the income limit for MSP-QI. (Ex. 1; Testimony of the MassHealth representative).

Analysis and Conclusions of Law

MSP for Qualifying Individuals (QI) coverage is available to Medicare beneficiaries who are entitled to hospital benefits under Medicare Part A; have a countable income amount (including the income of the spouse with whom he or she lives) that is greater than 210% of the federal poverty level (FPL) and less than or equal to 225% of the FPL; are applying only for MSP benefits, and 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 & Medicaid Services; and meet the universal requirements of MassHealth benefits. (130 CMR 519.011(B)(1)).

The record shows by a preponderance of evidence that the appellant is over the income limit for MSP-QI. That income limit is between 210% and 225% of the FPL. For a household of one, this would be between \$2,551.50 and \$2,733.75 *per* month. The appellant's income is \$2,809, which is 231% of the FPL. MassHealth correctly determined that the appellant is not eligible for MSP-QI.

For the above reasons, the 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.

Scott Bernard
Hearing Officer
Board of Hearings

cc:

Justine Ferreira, Taunton MassHealth Enrollment Center, 21 Spring St., Ste. 4, Taunton, MA 02780