

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2308938
Decision Date:	10/31/2023	Hearing Date:	10/26/2023
Hearing Officer:	Mariah Burns		

Appearance for Appellant:



Appearance for MassHealth:

Janine Monico, Tewksbury MassHealth
Enrollment Center



*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:	Over 65; Eligibility; Income
Decision Date:	10/31/2023	Hearing Date:	10/26/2023
MassHealth's Rep.:	Janine Monico	Appellant's Rep.:	Pro se
Hearing Location:	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 September 9, 2023, MassHealth approved the appellant's application for benefits and determined she is eligible for the Senior Buy-In. Exhibit 1. The appellant filed this appeal in a timely manner on September 27, 2023, asserting that she should be eligible for MassHealth Standard benefits. *See* 130 CMR 610.015(B) and Exhibit 2. Agency action to reduce or restrict a member's benefits is valid grounds for appeal. *See* 130 CMR 610.032.

Action Taken by MassHealth

MassHealth approved the appellant for Senior Buy-In coverage instead of Standard.

Issue

The appeal issue is whether MassHealth was correct in determining that the appellant is eligible for the Senior Buy-In and not Standard benefits.

Summary of Evidence

The appellant is a single adult over the age of 65 who was represented at hearing by her brother.

MassHealth was represented by a worker from the Tewksbury MassHealth Enrollment Center (MEC) who also appeared telephonically. All parties appeared by telephone. The following is a summary of the testimony and evidence provided at hearing:

The MassHealth representative testified that the appellant was approved for the Senior Buy-In on September 9, 2023. MassHealth determined that she was not eligible for Standard benefits because her monthly income is \$1438.00, which she receives in the form of Social Security benefits. The MassHealth representative reported that 100% of the federal poverty level for a family of one is \$1215.00. It was reported that the appellant is also over the asset limit required to qualify for senior benefits by \$10,554.17.

The appellant's representative agreed with MassHealth regarding their calculation of her income. He reported that the appellant resides in an assisted living facility for individuals suffering from brain trauma and that they were threatening to discharge the appellant due to her change in MassHealth coverage upon turning 65. The appellant's representative did not know what portion of the appellant's expenses MassHealth was covering. The MassHealth representative explained several avenues by which the appellant may be able to qualify for benefits, none of which are relevant to this appeal.

Findings of Fact

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

1. The appellant is a single adult over the age of 65. Exhibit 4, Testimony.
2. The appellant currently earns \$1438.00 per month in income. Testimony.
3. On September 9, 2023, MassHealth approved the appellant for coverage under the Senior Buy-In. Exhibit 1.
4. The appellant filed a timely appeal on September 27, 2023. Exhibit 2.
5. The appellant does not contest MassHealth's calculation of her income. Testimony.
6. The appellant currently has excess countable assets in the amount of \$10,664.17 to qualify for senior benefits. Exhibit 1, Testimony.

Analysis and Conclusions of Law

MassHealth administers and is responsible for delivery of healthcare benefits to MassHealth members. See 130 CMR 515.002. Eligibility for MassHealth benefits differs depending on an

applicant's age. 130 CMR 515.000 through 522.000 (referred to as Volume II) provide the requirements for non-institutionalized persons aged 65 or older, institutionalized persons of any age, persons who would be institutionalized without community-based services, as, and certain Medicare beneficiaries. 130 CMR 515.002(B). As the appellant is over 65 years old, she is subject to the requirements of the provisions of Volume II. 130 CMR 515.002.

To determine a senior's eligibility for MassHealth, the total countable-income amount and countable assets of the individual are compared to an income standard and asset limit. An individual who is eligible for Medicare Parts A and B must possess an income that is "less than or equal to 100% of the federal poverty level." 130 CMR 519.002(A)(4)(c). The current MassHealth federal poverty level standards can be found on its website, and 100% of the federal poverty level for a single person is \$1215.00 in monthly income.¹

In this case, the appellant does not dispute that her current monthly income is \$1438.00. As that amount exceeds 100% of the poverty level based on 2023 standards, the appellant is not eligible for MassHealth Standard and was rightly placed on the Senior Buy-In. Therefore, MassHealth did not err in issuing the September 9, 2023 notice, and 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.

Mariah Burns
Hearing Officer
Board of Hearings

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

cc:

MassHealth Representative: Sylvia Tiar, Tewksbury MassHealth Enrollment Center, 367 East Street, Tewksbury, MA 01876-1957, 978-863-9290

Appellant Representative:

