

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2309638
Decision Date:	12/13/2023	Hearing Date:	11/08/2023
Hearing Officer:	Alexandra Shube		

Appearance for Appellant:
Via telephone:
Pro se

Appearance for MassHealth:
Via telephone:
Janine Monico, Tewksbury 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:	Eligibility; Over 65; Income
Decision Date:	12/13/2023	Hearing Date:	11/08/2023
MassHealth's Rep.:	Janine Monico	Appellant's Rep.:	Pro se
Hearing Location:	Tewksbury MassHealth Enrollment Center Remote	Aid Pending:	Yes

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 29, 2023, MassHealth informed the appellant that her MassHealth coverage would change from MassHealth Standard with Senior Buy-In to the Senior Buy-In because her income was too high for MassHealth Standard (Exhibit 1). The appellant filed this appeal in a timely manner on October 11, 2023 (see 130 CMR 610.015(B) and Exhibit 2). Denial and/or modification of assistance is valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied the appellant MassHealth Standard benefits.

Issue

The appeal issue is whether MassHealth correctly determined that the appellant is not eligible for MassHealth Standard benefits because she is over the allowable income limit.

Summary of Evidence

The MassHealth representative appeared at hearing via telephone and testified as follows: in August 2023, MassHealth received and processed a renewal application on behalf of the appellant. The appellant has gross monthly Social Security Income (SSI) of \$1,237. With the \$20 disregard, her countable income is \$1,217 per month, putting her \$2 over the income limit to qualify for MassHealth Standard benefits. That income limit is 100% of the Federal Poverty Level (FPL), which for 2023 is \$1,215 per month for a household of one. On September 29, 2023, MassHealth notified the appellant that her coverage would change from MassHealth Standard with the Senior Buy-In to the Senior Buy-In, which is the notice under appeal. The MassHealth representative explained the personal care attendant (PCA) disregard and Frail Elder Waiver as possible ways for the appellant to qualify for MassHealth Standard benefits; however, the appellant did not feel like she needs PCA assistance at this time. The appellant is federally disabled and the MassHealth representative also explained MassHealth CommonHealth and the needed working letter. Based on her income, the appellant would not have a premium if she applies for CommonHealth.

The appellant appeared at hearing via telephone and testified that she has lung cancer and sees her doctors every three to six months. This is her third battle with cancer since 2007 and she needs health insurance to cover treatment. She can't drive, but otherwise she does not need additional help in the home.

MassHealth stated that the appellant's Senior Buy-In benefits were protected during the appeal process through aid pending. MassHealth's records showed that the appellant's MassHealth Standard benefits terminated on October 13, 2023. It was unclear why only Senior Buy-In benefits were protected by aid pending and not her MassHealth Standard benefits, since the appellant had appealed in time to have it protected, pursuant to 130 CMR 610.036. After hearing, this hearing officer followed up with an administrator at the Board of Hearings to determine if that was in error. The administrator stated that there was an error and aid pending protection on MassHealth Standard with Senior Buy-In was put in place and backdated, so there was no gap in coverage.

While the decision was pending, the appellant submitted a working letter to establish MassHealth CommonHealth eligibility. On November 30, 2023, the MassHealth representative informed this hearing officer that she processed the letter and the appellant is approved for MassHealth CommonHealth benefits effective December 14, 2023.

Findings of Fact

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

1. On September 29, 2023, MassHealth notified the appellant, who is over the age of 65 with a household size of one, that her MassHealth benefits would change from MassHealth

Standard with Senior Buy-In to Senior Buy-In because her income was too high to qualify for MassHealth Standard (Testimony and Exhibit 1).

2. The appellant has gross monthly income of \$1,2367. With the \$20 disregard, her countable income is \$1,217 per month, putting her \$2 over the income limit to qualify for MassHealth Standard benefits (Testimony and Exhibit 1).
3. To qualify for MassHealth Standard coverage, the appellant's countable income would have to be at or below 100% of the Federal Poverty Level (FPL), which for 2023 is \$1,215 per month for a household of one (Testimony).
4. On October 11, 2023, the appellant timely appealed the notice (Exhibit 2).
5. The appellant did not dispute her income (Testimony).
6. The appellant's MassHealth Standard benefits with Senior Buy-In were protected through aid pending during the appeal process (Testimony and Exhibit 6).
7. The appellant has been approved for MassHealth CommonHealth effective December 14, 2023 (Exhibit 5).

Analysis and Conclusions of Law

130 CMR 519.005 states the following for community residents 65 years of age and older:

(A) Eligibility Requirements. Except as provided in 130 CMR 519.005(C), noninstitutionalized individuals 65 years of age and older may establish eligibility for MassHealth Standard coverage provided they meet the following requirements:

(1) the countable-income amount, as defined in 130 CMR 520.009: *Countable-income Amount*, of the individual or couple is less than or equal to 100 percent of the federal poverty level; and

(2) the countable assets of an individual are \$2,000 or less, and those of a married couple living together are \$3,000 or less.

(Emphasis added).

As explained above, to qualify for MassHealth Standard benefits, the countable income of an individual who is over the age of 65 must be equal to or less than 100% of the Federal Poverty Level which for a household of one is \$1,215. The appellant's most recently verified gross monthly income is \$1,237 from Social Security. With the \$20 disregard, her countable income is \$1,217, which is above the allowable limit, even if by only \$2, to qualify for MassHealth Standard benefits.

As such, MassHealth correctly determined that the appellant qualifies for MassHealth Senior Buy-In benefits, but not MassHealth Standard benefits. For these reasons, the appeal is denied.¹

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.

Alexandra Shube
Hearing Officer
Board of Hearings

cc:

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

¹After hearing, the appellant submitted a working disabled letter to MassHealth. On November 30, 2023, MassHealth processed the letter and determined that the appellant is eligible for MassHealth CommonHealth, effective December 14, 2023. The CommonHealth determination is separate from this appeal and not affected by this decision.