

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2310280
Decision Date:	1/16/2024	Hearing Date:	12/04/2024
Hearing Officer:	Mariah Burns		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Michelle Trainor, 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:	1/16/2024	Hearing Date:	12/04/2023
MassHealth's Rep.:	Michelle Trainor, Tewksbury MEC	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 June 15, 2023, MassHealth downgraded the appellant's benefits from MassHealth Standard and the Medicare Savings Program to just the Medicare Savings Program. (Testimony). The appellant did not file an appeal of that notice. On October 2, 2023, MassHealth issued a notice reporting that the appellant's deductible changed. (Exhibit 2). The appellant filed this appeal in a timely manner on October 23, 2023.¹ (See 130 CMR 610.015(B) and Exhibit 2). Agency action to suspend, reduce, terminate, or restrict a member's assistance is valid grounds for appeal. (See 130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied the appellant for MassHealth Standard coverage.

¹ Because the appellant did not timely appeal the June 15, 2023 notice downgrading his benefits, any appeal of that notice is dismissed. (130 CMR 610.035).

Issue

The appeal issue is whether MassHealth correctly determined that the appellant no longer qualifies for MassHealth Standard benefits.

Summary of Evidence

The appellant is an adult over the age of 65. MassHealth was represented by a worker from the Tewksbury MassHealth Enrollment Center (MEC). All parties appeared by telephone. The following is a summary of the testimony and evidence provided at hearing:

The MassHealth representative explained that the impetus for the downgrade of the appellant's benefits was due to his recently turning [REDACTED]. She testified that based on the appellant's senior application, MassHealth determined that he was not eligible for MassHealth Standard benefits because his monthly income is \$1760.00, which he receives in the form of Social Security. When applying the \$20 regulatory income disregard, this means that the appellant has a countable income of \$1740.00. The MassHealth representative explained that 100% of the federal poverty level is \$1215.00. It was reported that the appellant is under the asset limit required to qualify for senior benefits.

During the hearing, the appellant reported that he had suffered a significant family emergency and that his spouse passed away the day before the hearing. As a result, the Board of Hearings rescheduled the appeal for January 2, 2024. On that day, the appellant did not appear for the hearing. Thus, the appellant provided no evidence to counter the representations of MassHealth.

Findings of Fact

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

1. The appellant is an adult over the age of 65. Exhibit 4, Testimony.
2. MassHealth verified the appellant's current monthly income is \$1740.00 per month in income and possesses less than \$2000 in countable assets. Exhibit 1, Testimony.
3. On June 15, 2023, MassHealth downgraded the appellant's coverage from MassHealth Standard and the Medicare Savings Plan to just the Medicare Savings Plan². Exhibit 1. A notice issued on October 2, 2023, adjusting the appellant's deductible amount.

² This benefit is also known as the Senior Buy-In.

4. The appellant did not timely appeal the downgrade notice but did file a timely appeal of the deductible notice on October 23, 2023. Exhibit 2.

5. During the hearing on December 4, 2023, but before he gave any substantive testimony, the appellant informed the hearing officer that he had suffered a significant family emergency and that his spouse passed away the day before the hearing. As a result, the Board of Hearings rescheduled the appeal for January 2, 2024. On that day, the appellant did not appear for the hearing and therefore provided no 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, he 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.³ An appellant bears the burden of proof at fair hearings "to demonstrate the invalidity of the administrative determination." *Andrews v. Division of Medical Assistance*, 68 Mass. App. Ct. 228, 231 (2006). The fair hearing decision, established by a preponderance of evidence, is based upon "evidence, testimony, materials, and legal rules, presented at hearing, including the MassHealth agency's interpretation of its rules, policies and regulations."

In this case, MassHealth reported that the appellant's current monthly income is \$1760.00 prior to the regulatorily imposed \$20 income disregard. At the first hearing date, the appellant did not dispute that amount, though he reported that his family emergency made it difficult for him to concentrate on the hearing and the questions being asked of him. However, he did not appear for his rescheduled hearing despite receiving adequate notice. Therefore, he did not present any evidence to suggest that MassHealth's calculation of his income is incorrect. As that amount exceeds 100% of the poverty level based on 2023 standards, the appellant is not eligible for

³ <https://www.mass.gov/doc/2023-masshealth-income-standards-and-federal-poverty-guidelines-0/download>.

MassHealth Standard and was rightly placed on the Senior Buy-In.⁴

Thus, MassHealth did not err in issuing the October 2, 2023, notice, nor did they err in placing the appellant on the Senior Buy-In earlier in the year.⁵ For the forgoing reasons, the appeal is hereby denied. The appellant can direct any questions about Health Connector plans to 1-877-MA-ENROLL (1-877-623-6765), or inquiries concerning Health Safety Net to 877-910-2100.

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

cc: MassHealth Representative: Sylvia Tiar, Tewksbury MassHealth Enrollment Center

⁴ The notice that the appellant submitted his fair hearing request in reference to refers to a change in his deductible amount due to a change in his income. There is no evidence in the record, nor did the appellant argue, that the deductible was incorrectly calculated. See 130 CMR 520.030.

⁵ The appellant should be advised to notify MassHealth if his spouse's passing affects his income.