

**MassHealth
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2310997
Decision Date:	12/15/2023	Hearing Date:	December 05, 2023
Hearing Officer:	Brook Padgett		

Appellant Representative:



MassHealth Representatives:

Shauna Post, Springfield MEC
Karishma Raja, Premium Billing



*Commonwealth of Massachusetts
Executive Office of Health and Human Services
MassHealth
Board of Hearings
100 Hancock Street, 6th floor
Quincy, MA 02171*

APPEAL DECISION

Appeal Decision:	Denied	Issue:	130 CMR 505.002 Over 65 Over Income
Decision Date:	12/15/2023	Hearing Date:	December 05, 2023
MassHealth Reps.:	S. Post K. Raja	Appellant Rep.:	Wife
Hearing Location:	Springfield	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

The appellant received a notice dated September 21, 2023 stating: MassHealth has approved [the appellant's wife] for CommonHealth benefits with an effective date of September 21, 2023. Your total monthly premium will be \$12.00. (Exhibit 1).

The appellant filed this appeal timely on November 02, 2023. (130 CMR 610.015(B); Exhibit 2).

Termination or change in status of assistance is valid grounds for appeal. (130 CMR 610.032).

Action Taken by MassHealth

MassHealth determined that the appellant's household is over income to be eligible for MassHealth Standard and Buy-In benefits.

Issue

Did MassHealth correctly determine the appellant's household's MassHealth eligibility?

Summary of Evidence

MassHealth testified that there is no benefit request for the appellant so the issue only concerns the appellant's wife's MassHealth eligibility. The appellant's wife was receiving MassHealth Standard when a recent renewal determined that she was over the income standard for the program. MassHealth verified the household monthly income as \$2,769.45 (Social Security plus two pensions). This verified income is 168.5% of the monthly federal poverty level (FPL) and placed the appellant's wife over the 100% (\$1,644.00) and 135% (\$2,219.00) of the monthly FPL for MassHealth Standard or MassHealth Buy-In eligibility. The representative explained that the appellant's wife was evaluated for a Frail Elder Waiver (which would give her potential MassHealth Standard benefits); however, the Western Mass Elder Care assessment determined that she did not meet the requirements for a waiver at this time. MassHealth stated that the appellant's wife is federally disabled so she is currently eligible for MassHealth CommonHealth with a premium of \$12.00

The appellant's wife did not dispute her income and indicated that she has recently paid the deductible for CommonHealth eligibility. She stated that she is very upset that MassHealth is no longer paying her Social Security premium of \$164.90. She argued that her MassHealth eligibility had not been redetermined since 2018 and maintained her MassHealth Standard should be reinstated.

MassHealth responded that many of the MassHealth renewals were put on hold until the end of the COVID emergency.

Findings of Fact

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

1. The appellant is over 65 years of age and a member of a household of two. (Testimony).
2. The household's gross monthly earnings is \$2,769.45. (Testimony).
3. 100% of the federal-poverty level for a family group size of two is \$1,644.00. (Testimony).
4. 135% of the federal-poverty level for a family group size of two is \$2,219.00. (Testimony).
5. The appellant's household income is over 168.5% of the federal poverty level.
6. The appellant has federal determination of disability. (Testimony).

Analysis and Conclusions of Law

At the beginning of the COVID-19 public health emergency, the federal government issued continuous coverage requirements. Since March 2020, MassHealth has put protections in place so that individuals receiving Medicaid would generally not lose their coverage unless they voluntarily withdrew, moved out of state, or passed away.¹ These continuous coverage requirements ended on April 01, 2023.² On April 01, 2023 MassHealth began redetermining all members to ensure that they still qualify for their current benefits. During this redetermination period MassHealth confirmed the appellant's household monthly income was \$2,769.45.

The rules of financial responsibility and calculation of financial eligibility are detailed in 130 CMR 506.000 (130 CMR 505.001). The financial eligibility for various MassHealth coverage types is determined by comparing the household group's monthly gross income³ with the applicable income standards for the specific coverage (130 CMR 506.003, 130 CMR 506.007(A)). Generally, eligibility is based on 133% of the federal-poverty level for adults and 200% of the federal-poverty level for children and pregnant women, as well as for adults working for qualified employers and persons who are HIV positive. Children under the age of 19 may establish eligibility for Standard coverage if the gross income of the group is less than or equal to 150% of the federal poverty level (130 CMR 505.002(C)(2)). To be eligible for MassHealth Standard over 65 years of age, household income must be below 100% of the FPL. (130 CMR 519.005).⁴ Disabled persons with income in excess of these applicable standards may establish eligibility for MassHealth CommonHealth (130 CMR 506.007(B)).

When a MassHealth member is disabled and over 100% of the FPL for MassHealth Standard, MassHealth will pay the cost of the monthly Medicare Part B premium on behalf of members if their modified adjusted gross income of the MassHealth Disabled Adult household is less than 135% of the FPL.

The appellant's wife is over 65 years old, disabled and a member of a household of two with

¹ See Eligibility Operations Memo 20-09, April 2020.

² See Eligibility Operations Memo 23-18, July 2023.

³ 130 CMR 506.003: Countable Income. Eligibility is based on the family group's gross countable earned and unearned income as defined in 130 CMR 506.003, except as described in 130 CMR 506.003(C) below. (B) Gross Unearned Income. (1) Gross unearned income is the total amount of income that does not directly result from the individual's own labor before any income deductions are made. (2) Unearned income includes, but is not limited to, social security benefits, railroad retirement benefits, pensions, annuities, federal veterans' benefits, and interest and dividend income.

⁴ 130 CMR 519.005: Community Residents Aged 65 and Older (A) Eligibility Requirements Except as provided in 130 CMR 519.005(C), noninstitutionalized individuals aged 65 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, 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*).

income of \$2,769.45 or 168.5% of the FPL. 100% of the FPL for a household of two is \$1,644.00 and 135% of the FPL for a household of two is \$2,219.00. The appellant's household is over the income standard for MassHealth Standard and MassHealth Buy-In.⁵

MassHealth has properly determined the appellant's MassHealth eligibility and this 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.

Brook Padgett
Hearing Officer
Board of Hearings

cc: MassHealth representative: Springfield MEC, Premium Billing

⁵ 130 CMR 519.011: MassHealth Buy-In (B) MassHealth Buy-In for Qualifying Individuals (1) Eligibility Requirements. MassHealth Buy-In coverage for Qualifying Individuals is also available to Medicare beneficiaries who: (a) are entitled to hospital benefits under Medicare Part A; **(b) are not eligible for any other MassHealth coverage type; (c) have a countable income amount (including the income of the spouse with whom he or she lives) that is equal to or greater than 120 percent of the federal poverty level and less than 135 percent of the federal poverty level;** and (d) have countable assets of \$4,000 or less for an individual, or \$6,000 or less for a married couple living together. (2) Benefits. MassHealth pays the entire Medicare Part B premium, in accordance with section 1933 of the Social Security Act (42 U.S.C. § 1396u-3), for members who meet the requirements of 130 CMR 519.011(B) and have a countable income amount that is less than 135 percent of the federal poverty level. Such payments are made through the state Medicare Buy-In process. (*Emphasis added*).