

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



|                         |                 |                       |            |
|-------------------------|-----------------|-----------------------|------------|
| <b>Appeal Decision:</b> | Denied          | <b>Appeal Number:</b> | 2311662    |
| <b>Decision Date:</b>   | 01/11/2024      | <b>Hearing Date:</b>  | 12/12/2023 |
| <b>Hearing Officer:</b> | Alexandra Shube |                       |            |

**Appearance for Appellant:**

*Via telephone:*

Pro se

**Appearances for MassHealth:**

*Via telephone:*

David Kang, Springfield MEC

Lindsey Marek, Springfield MEC Supervisor  
(Observing)



*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

|                            |  |                          |                              |
|----------------------------|--|--------------------------|------------------------------|
| <b>Appeal Decision:</b>    | Denied   | <b>Issue:</b>            | Eligibility; Over 65; income |
| <b>Decision Date:</b>      | 01/11/2024   | <b>Hearing Date:</b>     | 12/12/2023                   |
| <b>MassHealth's Reps.:</b> | David Kang<br>Lindsey Marek                              | <b>Appellant's Rep.:</b> | Pro se                       |
| <b>Hearing Location:</b>   | Springfield<br>MassHealth<br>Enrollment Center<br>Remote | <b>Aid Pending:</b>      | 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 October 27, 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 November 16, 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 and the appellant appeared at the hearing via telephone. The MassHealth representative testified as follows: the appellant is over the age of 65 with a household size of one. Pursuant to the October 27, 2023 notice, her coverage changed from MassHealth Standard with the Senior Buy-In to the Senior Buy-In effective November 10, 2023 because her income is too high to qualify for MassHealth Standard. This is the notice under appeal. The appellant has gross monthly Social Security income of \$1,236. With the \$20 disregard, her countable income is \$1,216 per month (or 100.1% of the Federal Poverty Level), putting her \$1 over the income limit to qualify for MassHealth Standard benefits. That income limit is 100% of the FPL, which for 2023 is \$1,215 per month for a household of one.

The MassHealth representative stated that the appellant is a transplant patient. He explained the Personal Care Attendant (PCA) supplement and disregard, which may qualify the appellant for MassHealth Standard benefits if she requires some assistance in her home with activities of daily living. The MassHealth representative also explained MassHealth CommonHealth and the working disabled letter as a possible way to obtain more comprehensive coverage. Additionally, he clarified how the deductible listed in the October 27 notice works.

The appellant did not dispute her income, but emphasized that as a transplant patient, she needs MassHealth Standard benefits to continue seeing her doctors at the transplant center. She was not sure if she would qualify for the PCA disregard based on her level of independence, but she did not think she could complete even the non-traditional work required of CommonHealth because of her physical condition and her many doctors appointments. She is disabled and uses a cane and/or walker for longer distances, but does not need assistance all the time. The MassHealth representative suggested that she fill out the PCA supplement and list the activities of daily living that she needs assistance with. He provided her the address where she can send the completed PCA supplement.

## Findings of Fact

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

1. On October 27, 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 \$1,236. With the \$20 disregard, her countable income is \$1,216 per month, putting her \$1 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 November 16, 2023, the appellant timely appealed the notice (Exhibit 2).
5. The appellant did not dispute her income (Testimony).
6. The appellant is a transplant patient (Testimony).

## 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 \$1,236 from Social Security. With the \$20 disregard, her countable income is \$1,216, which is above the allowable limit, even if by only \$1, 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.<sup>1</sup>

## Order for MassHealth

None.

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<sup>1</sup> As discussed at hearing, the appellant can follow through with the PCA supplement as a possible avenue to obtain MassHealth Standard coverage.

## 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.

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Alexandra Shube  
Hearing Officer  
Board of Hearings

cc:

MassHealth Representative: Dori Mathieu, Springfield MassHealth Enrollment Center, 88 Industry Avenue, Springfield, MA 01104