

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2311706
Decision Date:	01/11/2024	Hearing Date:	12/12/2023
Hearing Officer:	Alexandra Shube		

Appearance for Appellant:

Via telephone:

Pro se

Appearances for MassHealth:

Via telephone:

Eleanor Kwapien, 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

Appeal Decision:	Denied	Issue:	Eligibility; Over 65; Income
Decision Date:	01/11/2024	Hearing Date:	12/12/2023
MassHealth's Reps.:	Eleanor Kwapien Lindsey Marek	Appellant's Rep.:	Pro se
Hearing Location:	Springfield MassHealth Enrollment Center 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 October 26, 2023, MassHealth informed the appellant that she was approved for MassHealth Senior Buy-In benefits (Exhibit 1). The appellant filed this appeal in a timely manner on November 16, 2023 (see 130 CMR 610.015(B) and Exhibit 2). Determinations regarding scope and amount of assistance are valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth approved the appellant for Senior Buy-In benefits.

Issue

The appeal issue is whether MassHealth was correct in determining that the appellant qualified for MassHealth Senior Buy-In benefits.

Summary of Evidence

The appellant and the MassHealth representative both appeared at 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 26, 2023 notice, she was approved for Senior Buy-In effective October 1, 2023. Her MassHealth Standard benefits terminated on October 4, 2023. The appellant has gross monthly Social Security income of \$1,321.90. With the \$20 disregard, her countable income is \$1,301.90, which is 107.1% of the Federal Poverty Level (FPL), and 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. She is within the \$2,000 asset limit.

MassHealth noted that since the Senior Buy-In approval notice, the appellant submitted the Personal Care Attendant (PCA) supplement on November 26, 2023. Based on the PCA disregard, on December 5, 2023, MassHealth upgraded the appellant to MassHealth Standard with the Senior Buy-in, effective December 1, 2023.

The appellant did not dispute her income. She explained that she was surprised by the deductible in the notice. She has serious health issues, does not own a car, and has no family, kids, or significant other. She has had homemaker services in the past and it has not worked well. She did not like having someone in her home. She can take care of herself and does not want to worry about hiring and firing a PCA.

MassHealth explained the deductible. She also stated that the appellant is currently eligible for MassHealth Standard based on the PCA supplement. She is supposed to contact a Personal Care Management (PCM) agency within 90 days, but it is her choice whether she utilizes those services. Her next renewal is not due until September 24, 2024. The MassHealth representative noted that the appellant has been deemed federally disabled since September 2010 and explained MassHealth CommonHealth and the working disabled letter as another way to qualify for more comprehensive benefits. The appellant responded that she could not work.

Findings of Fact

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

1. On October 26, 2023, MassHealth notified the appellant, who is over the age of 65 with a household size of one, that she was eligible for MassHealth 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 \$1,321.90. With the \$20 disregard, her countable income is \$1,301.90 per month, putting her 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. On November 26, 2023, the appellant submitted the PCA supplement (Testimony).
7. On December 5, 2023, based on the PCA disregard, MassHealth approved the appellant for MassHealth Standard with Senior Buy-In, effective December 1, 2023 (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 \$1,321.90 from Social Security. With the \$20 disregard, her countable income is \$1,301.90 (or 107.1% of the FPL), which is above the allowable limit to qualify for MassHealth Standard benefits. As such, at the time of the October 26, 2023 notice, 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

¹After the October 26, 2023 notice was issued, the appellant submitted the PCA supplement. On December 5, 2023, MassHealth approved the appellant for MassHealth Standard with the Senior Buy-In based on the PCA disregard, effective December 1, 2023. Those benefits are currently active, but that determination is outside the scope of this appeal.

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