

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2312443
Decision Date:	3/6/2024	Hearing Date:	01/09/2024
Hearing Officer:	Emily Sabo		

Appearances for Appellant:



Appearance for MassHealth:

Dianne Braley, Taunton 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; Senior Buy-In; Medicare Savings Plan (MSP) Qualified Medicare Beneficiaries (QMB)
Decision Date:	3/6/2024	Hearing Date:	01/09/2024
MassHealth's Rep.:	Dianne Braley	Appellant's Rep.:	Pro se & Daughter
Hearing Location:	Taunton MassHealth Enrollment Center (Telephone)	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 November 28, 2023, MassHealth found that the Appellant was eligible for Senior Buy-In and that the Appellant did not qualify for MassHealth Standard or MassHealth Limited because his income and assets exceeded the program limit for those programs. *See* 130 CMR 520.002, 130 CMR 520.028, 130 CMR 520.003, 130 CMR 520.004 and Exhibit 1. The Appellant filed this appeal in a timely manner on December 4, 2023. *See* 130 CMR 610.015(B) and Exhibit 2. Denial of assistance is valid grounds for appeal. *See* 130 CMR 610.032.

Action Taken by MassHealth

MassHealth found that the Appellant was eligible for Senior Buy-In and that the Appellant did not qualify for MassHealth Standard or MassHealth Limited because his income and assets exceed the limit for those programs.

Issue

The appeal issue is whether MassHealth was correct in determining that the Appellant is not eligible for MassHealth Standard or MassHealth Limited.

Summary of Evidence

The hearing was held telephonically. The MassHealth representative testified that the Appellant is over the age of 65 and has a household size of two, made up of the Appellant and his spouse. The MassHealth representative testified that the Appellant's household income is \$2,820/monthly from Social Security, which equals 171.75% of the federal poverty level. The MassHealth representative testified that to qualify for MassHealth Standard, the household income must be 100% or less of the federal poverty level, which equals \$1,644/monthly for a household of two. The MassHealth representative testified that the Appellant has \$8,025.23 in assets, which is \$5,025.23 more than the \$3,000 asset limit for a household of two for MassHealth Standard. The MassHealth representative also stated that the Appellant could request a clinical assessment from an elder services organization, to see if the Appellant would qualify for a frail elder waiver under 130 CMR 519.007(B).

The Appellant and his daughter, as his representative, appeared telephonically and verified the Appellant's identity. The Appellant's representative testified that it has been very confusing navigating the coverage options available and that she and the Appellant had received different guidance from attorneys they had consulted and MassHealth representatives. The Appellant's representative stated that the Appellant would like to have his MassHealth benefits continue while the Appellant applies for other benefits.

Findings of Fact

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

1. The Appellant is over the age of 65. Testimony and Exhibit 4.
2. The Appellant has a household size of two. Testimony.
3. The Appellant has a monthly household income of \$2,820. Testimony.
4. The Appellant's household's assets are \$8,025.23. Testimony and Exhibit 1.

Analysis and Conclusions of Law

In evaluating financial eligibility for MassHealth Standard, the regulations at 130 CMR 519.005 provide:

519.005: Community Residents 65 Years of Age and Older

(A) Eligibility Requirements. Except as provided in 130 CMR 519.005(C),¹ 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% 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.

(B) Financial Standards Not Met. Except as provided in 130 CMR 519.005(C), individuals whose income, assets, or both exceed the standards set forth in 130 CMR 519.005(A) may establish eligibility for MassHealth Standard by reducing their assets in accordance with 130 CMR 520.004: Asset Reduction, meeting a deductible as described at 130 CMR 520.028: Eligibility for a Deductible through 520.035: Conclusion of the Deductible Process, or both.

130 CMR 519.005(A), (B).²

The MassHealth regulations at 130 CMR 501.001 define the federal poverty level as, “income standards issued annually in the *Federal Register* to account for the last calendar year's increase in prices as measured by the Consumer Price Index.” For 2023, the *Federal Register* states that the federal poverty level for a household of two is \$1,644 monthly.

Therefore, because there is no dispute that the Appellant’s household income is \$2,820 monthly, which is greater than 100% of the federal poverty level or \$1,644 for a household of two, the Appellant is not financially eligible for MassHealth Standard unless he meets the deductible provided for in 130 CMR 519.005(B). 130 CMR 519.005(A)(1). Additionally, 130 CMR 519.005(A)(2) states that in order to qualify for MassHealth Standard, the countable assets of a married couple living together are \$3,000 or less. 130 CMR 519.005(A)(2). The Appellant’s household assets are \$8,025.23, and thus, he is not financially eligible for MassHealth Standard unless he reduces his assets in accordance with 130 CMR 520.004. 130 CMR 519.005(B).

Accordingly, the Appellant is not financially eligible for MassHealth Standard or MassHealth

¹ 130 CMR 519.005(C) details the eligibility requirements for parents or caretaker relatives of a child younger than 19 years old.

² The MassHealth regulations at 130 CMR 519.009(A)(1) state that MassHealth Limited is available to those who meet the financial and categorical requirements for MassHealth Standard.

Limited and MassHealth did not err in sending out the November 28, 2023, notice. The 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.

Emily Sabo
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Justine Ferreira, Taunton MassHealth Enrollment Center, 21 Spring St., Ste. 4, Taunton, MA 02780, 508-828-4616

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