

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision: Denied

Appeal Number: 2313371

Decision Date: 1/22/2024

Hearing Date: 01/16/24

Hearing Officer: Stanley Kallianidis

Appellant Representative:

Pro Se

MassHealth Representative:

Michelle Benevides, Taunton



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

APPEAL DECISION

Appeal Decision:	Denied	Issue:	Denial of MassHealth Standard/Deductible
Decision Date:	1/22/2024	Hearing Date:	01/16/24
MassHealth Rep.:	Michelle Benevides		

Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder.

Jurisdiction

Notice dated 12/06/23 was sent to the appellant stating that MassHealth had changed his coverage from MassHealth Standard to Senior Buy In because of excess income and/or assets (Exhibit 1). The appellant filed his appeal on 12/18/23 (see 130 CMR 610.015 and Exhibit 2).

The appellant was entitled to aid-pending benefits because the appeal was filed prior to the implementation date of 12/20/23 (see 130 CMR 610.036 and Exhibit 2).

Action Taken by MassHealth

MassHealth plans on stopping the appellant's MassHealth Standard benefits due to a deductible of \$6,720.00.

Issue

Pursuant to 130 CMR 520.028 *et. seq.*, was the appellant's excess income calculated correctly?

Summary of Evidence

With regard to the announced termination of assistance, the MassHealth representative introduced in evidence the income printouts used to evaluate the appellant's income (Exhibit 3) and reviewed for the benefit of the hearing officer and the appellant's representative the calculation made in his case.

The appellant's household of one had 2023 Social Security of \$1,662.00. She testified that after the \$20.00 unearned deduction, the appellant's net income of \$1,642.00 exceeded the \$1,212.00 federal poverty level for one person. Therefore, he was not entitled to MassHealth Standard without meeting a deductible. A deductible of \$6,720.00 was assigned. The deductible calculation was as follows: the net monthly income of \$1,642.00 was greater than the Deductible Income Standard of \$522.00 for the appellant's household by \$1,120.00, which was then multiplied by six (Exhibit 3).

The MassHealth representative also testified that the appellant is coded as a disabled individual and that he can get CommonHealth benefits without meeting a deductible by submitting a working disabled letter to MassHealth. She stated that this was explained to the appellant and that he need only show work of 40 hours per month.

The appellant testified that he lives with and takes care of his ■ year old son who is also disabled. His son does not have any income. The appellant stated that he does not file income taxes and therefore does not claim his son as a dependent. The appellant objected to the termination of his MassHealth Standard but did not dispute the income that was attributed to his household. He stated that he could get a working disabled letter from his daughter but did not know if he wanted CommonHealth.

Findings of Fact

The record shows, and I so find:

1. The household consists of one member over 65 years of age (testimony).
2. He had monthly gross Social Security income of \$1,662.00 (Exhibit 3).
3. The appellant lives with his 23 year old son but does not claim him as a dependent (testimony).
4. The appellant is disabled and is potentially eligible for CommonHealth (Exhibit 3 and testimony).

Analysis and Conclusions of Law

130 CMR 506.002 (B) (3) Individuals Who Do Not File a Federal Tax Return and Are Not Claimed as a Tax Dependent on a Federal Tax Return. For an individual who does not expect to file a federal tax return and who does not expect to be claimed as a tax dependent on a federal tax return or when any of the exceptions described at 130 CMR 506.002(B)(2)(b)1., 2., or 3. apply, the household consists of (a) the individual; (b) the individual's spouse if living with them; (c) the individual's natural, adopted, and stepchildren younger than 19 years old if living with them; (d) for individuals younger than 19 years old, the individual's natural, adoptive, or stepparents and natural, adoptive, or stepsiblings younger than 19 years old if living with them; and (e) if any individual described in 130 CMR 506.002(B)(3)(a) through (d) is pregnant, the number of expected children.

In this case, the appellant lives with his [REDACTED] year old son but does not claim him as a dependent. As stated above, because the son is over 19 and not claimed as a dependent, he cannot be considered as part of the appellant's household.

Financial eligibility for MassHealth Standard for members over 65 residing in the community is currently set at 100% of the federal poverty level (\$1,212.00 for one person). See 130 CMR 519.005.

The household consists of one person over 65 years of age. His monthly gross income is \$1,662.00 from Social Security. Pursuant to 130 CMR 520.012, a \$20.00 deduction is allowed from the total gross unearned income. The resulting monthly net income is \$1,642.00. The appellant's household's income therefore exceeds the \$1,212.00 eligibility standard.

130 CMR 520.028 states that the financial eligibility for persons over 65 years of age whose countable income exceeds the 100 percent federal-poverty-level standard, may establish eligibility on the basis of meeting a deductible.

Pursuant to 130 CMR 520.029, the deductible period is a six-month period that starts on the first day of the month of application or may begin up to three months prior to the first day of the month of application.

I have found that the appellant has net monthly income of \$1,642.00. According to the MassHealth Deductible Income Standards (Section 520.030), the net income exemption for one person is \$522.00. Since the appellant's net monthly income is greater than the standard by \$1,120.00, I conclude that the appellant is subject to a deductible of \$6,720.00 (Section 520.030 & 520.031).

Therefore, the appellant is not eligible for MassHealth Standard due to income in excess of the federal-poverty-level. However, if the appellant incurs medical expenses in excess of the six-month deductible and if he meets all other conditions of eligibility at such time, MassHealth will

be responsible for all approved medical expenses in excess of the deductible. Additionally, because the appellant is disabled, he may establish eligibility for CommonHealth without a deductible by submitting a working disabled letter to MassHealth.

The appeal is therefore denied.

Order for MassHealth

Proceed as planned with termination of MassHealth Standard benefits.

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.

Stanley Kallianidis
Hearing Officer
Board of Hearings

cc:

Taunton MEC