

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Approved and Remanded	Appeal Number:	2313480
Decision Date:	03/15/2024	Hearing Date:	01/16/2024
Hearing Officer:	Mariah Burns	Record Open to:	02/02/2024

Appearance for Appellant:

Pro se

Appearance for MassHealth:

Lindsey Carney, Tewksbury MassHealth
Enrollment Center



*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:	Approved and Remanded	Issue:	Over 65; Assets; Medicare Savings Program
Decision Date:	03/15/2024	Hearing Date:	01/16/2024
MassHealth's Rep.:	Lindsey Carney	Appellant's Rep.:	Pro se
Hearing Location:	Remote	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 December 12, 2023, MassHealth terminated the appellants' Medicare Savings Program benefits because MassHealth determined that their assets exceed the allowed threshold. See 130 CMR 519.011(B) and Exhibit 1. The appellants filed this appeal in a timely manner on December 20, 2024, and Aid Pending was applied. See 130 CMR 610.015(B) and Exhibit 2. Termination of assistance is valid grounds for appeal. See 130 CMR 610.032).

Action Taken by MassHealth

MassHealth terminated the appellants' Medicare Savings Program benefits.

Issue

The appeal issue is whether MassHealth correctly determined that the appellants no longer qualify for MassHealth benefits or the Medicare Savings Program.

Summary of Evidence

The MassHealth representative reported that on November 17, 2023, the appellants were approved for the Medicare Savings Plan – Qualified Medicare Beneficiaries (MSP-QMB)¹ with an effective date of December 1, 2023. However, soon after the start date, the appellants submitted additional asset verifications that showed \$121,000 in a bank account balance. As a result, they were deemed to be over the asset limit to qualify for MSP-QMB, and a termination notice issued on December 12, 2023.

At hearing, the appellants reported that the reason for the spike in bank account balance was due to an insurance payout after a fire in their home. The record was kept open until January 26, 2024, to allow the appellants time to provide documents that demonstrate this assertion, and MassHealth had until February 2, 2023, to respond. As of the issuance of this decision, no such documents were submitted by the appellants.

Findings of Fact

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

1. The appellants are a married couple each over the age of 65 who, prior to the issuance of the notice on appeal, were MassHealth members receiving benefits under the Medicare Savings Program. Exhibit 1, Exhibit 4, Testimony.
2. On December 12, 2023, MassHealth terminated the appellants' Medicare Savings Plan benefits because their assets exceeded the then-required threshold. Exhibit 1, Testimony.
3. The appellants filed a timely request for fair hearing on December 20, 2024, and Aid Pending was applied. Exhibit 2.
4. As of the date of hearing, the appellants' bank account balance exceeded the asset limit allowed by MassHealth regulations prior to March 1, 2024. Exhibit 1, Testimony.
5. MassHealth did not give notice of a determination of their household income to the appellants prior to the date of hearing.

Analysis and Conclusions of Law

In addition to providing traditional health insurance benefits, MassHealth offers the Medicare Savings Program (MSP), which assists low-income individuals with offsetting the cost of their

¹ Formerly known as the Senior Buy-In.

Medicare benefits. See 130 CMR 519.010 and 011. There are three different categories of members who may qualify for these benefits, and each category provides its own assistance: Qualified Medicare Beneficiaries (QMB), Specified Low Income Medicare Beneficiaries (SLMB), and Qualifying Individuals (QI).

Until February 29, 2024, applicants seeking MSP benefits were obligated to meet an asset limit to qualify for assistance. See *Id.* at 519.010(A)(3) and 519.011(A)(1)(c) and B(1)(c). However, as of March 1, 2024, MassHealth “will disregard all assets or resources when determining eligibility for MSP-only benefits.” *Id.*

The December 12, 2023, notice terminated the appellants’ benefits only on the grounds that they exceeded the asset limit to qualify for MSP benefits. No calculation of the appellants’ income was reflected on the notice, nor was it referenced at hearing. As such, the appellants have not yet had appealable notice of an income determination. See 130 CMR 610.026. The appellants’ MSP benefits should therefore be reinstated until at least ten days after MassHealth makes an income determination of their eligibility and sends appropriate notice with appeal rights. See 130 CMR 610.015(A). Should the appellants need to complete a new or renewal application, MassHealth should comply with the requirements of 130 CMR 516.007.

For the foregoing reasons, this appeal is APPROVED, and the appellants’ case is REMANDED back to MassHealth for action consistent with this order.

Order for MassHealth

Reinstate the appellants’ Medicare Savings Plan benefits until a redetermination of their income eligibility is completed in compliance with 130 CMR 610.015(A) and 610.026. Should a new or renewal application be required, comply with the requirements of 130 CMR 516.007. Remove Aid Pending.

Implementation of this Decision

If this decision is not implemented within 30 days after the date of this decision, you should contact your MassHealth Enrollment Center. If you experience problems with the implementation of this decision, you should report this in writing to the Director of the Board of Hearings, at the address on the first page of this decision.

Mariah Burns
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Sylvia Tiar, Tewksbury MassHealth Enrollment Center, 367 East Street, Tewksbury, MA 01876-1957, 978-863-9290