

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2401364
Decision Date:	03/28/2024	Hearing Date:	02/27/2024
Hearing Officer:	Alexandra Shube		

Appearance for Appellant:

Via telephone:

Pro se

Appearance for MassHealth:

Via telephone:

Asia Brown, Quincy 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; Under 65; Income; Start Date
Decision Date:	03/28/2024	Hearing Date:	02/27/2024
MassHealth's Rep.:	Asia Brown	Appellant's Rep.:	Pro se
Hearing Location:	Quincy Harbor South 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 January 19, 2024, MassHealth approved the appellant for MassHealth CarePlus benefits with a start date of January 9, 2024 (Exhibit 1). The appellant filed this appeal in a timely manner on January 26, 2024 (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 approved the appellant for MassHealth CarePlus benefits with a start date of January 9, 2024.

Issue

The appeal issue is whether MassHealth was correct in determining that the appellant was eligible for MassHealth CarePlus benefits, effective January 9, 2024.

Summary of Evidence

The MassHealth representative and the appellant both appeared at hearing telephonically. The MassHealth representative testified as follows: the appellant, who is under the age of 65 and has a household size of one, first applied for MassHealth on October 10, 2023. At that time, she reported income of \$1,384.62 gross every two weeks, or \$3,000.47 gross per month, which is 241% of the Federal Poverty Level (FPL). For a household size of one, the limit to qualify for MassHealth benefits is at or below 133% of the FPL, or \$1,616 gross per month in 2023. As a result, on October 10, 2023, MassHealth issued a notice informing the appellant that she did not qualify for MassHealth benefits because she was over the allowable income limit. Instead, the appellant was eligible for a Connector Care plan through the Health Connector and partial Health Safety Net for a limited period of time.

On January 19, 2024, the appellant reported a change in income to \$0 per month. On that same date, MassHealth issued a notice informing the appellant that she qualified for MassHealth CarePlus benefits with a start date of January 9, 2024. This is the notice under appeal.

The appellant confirmed that she originally applied for MassHealth in October 2023 and received the October 10, 2023 notice. She testified that she did not think she was making that much money at the time. She stated there was an October 5, 2023 pay check for \$1,116.50. She did not work the full month of October because she was hospitalized on [REDACTED] for six days and was still on medical leave in November. She signed up for a Tufts health plan through the Health Connector in order to get into a rehabilitation program, but it was not until after her October hospital stay. The Health Safety Net covered part of her bill, but she still has about \$1,800 in bills from the hospital. She was in rehab in December so was not able to appeal the October 10, 2023 notice.

MassHealth responded that the income used to make the October 10, 2023 determination was based off of pay stubs submitted by the appellant at that time. She explained that MassHealth considers gross income and the \$1,116.50 was the appellant's net pay. It is the member's responsibility to timely update MassHealth with any changes in income.

Findings of Fact

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

1. The appellant is under the age of 65 with a household size of one (Testimony and Exhibit 4).
2. On January 19, 2024, the appellant reported a change in income to \$0 per month (Testimony).

3. On January 19, 2024, MassHealth notified the appellant that she was eligible for MassHealth CarePlus benefits with a start date of January 9, 2024 (Testimony and Exhibit 1).
4. On January 26, 2024 appellant timely appealed the January 19, 2024 notice (Exhibit 2).
5. To qualify for MassHealth benefits, the appellant's income would have to be at or below 133% of the Federal Poverty Level, or \$1,616 for a household of one (Testimony).
6. In October 2023, the appellant applied for MassHealth and reported a gross monthly income of \$3,000.47, or 241% of the FPL (Testimony and Exhibit 5).
7. As a result, on October 10, 2023, MassHealth issued a notice informing the appellant that she did not qualify for MassHealth benefits because she was over the income limit (Testimony and Exhibit 5).
8. The appellant received the October 10, 2023 notice, but did not appeal it (Testimony).

Analysis and Conclusions of Law

MassHealth offers a variety of benefits based upon an individual's circumstances and finances. To qualify for MassHealth, an individual must fit into a category of eligibility and fall below a certain financial threshold.

The MassHealth coverage types are set forth at 130 CMR 505.001(A) as follows:

- (1) Standard for pregnant women, children, parents and caretaker relatives, young adults,¹ disabled individuals, certain persons who are HIV positive, individuals with breast or cervical cancer, independent foster care adolescents, Department of Mental Health members, and medically frail as such term is defined in 130 CMR 505.008(F);
- (2) CommonHealth for disabled adults, disabled young adults, and disabled children who are not eligible for MassHealth Standard;
- (3) CarePlus for adults 21 through 64 years of age who are not eligible for MassHealth Standard;
- (4) Family Assistance for children, young adults, certain noncitizens and persons who are HIV positive who are not eligible for MassHealth Standard, CommonHealth, or CarePlus;
- (5) Small Business Employee Premium Assistance for adults or young adults who
 - (a) work for small employers;

¹ "Young adults" are defined at 130 CMR 501.001 as those aged 19 and 20.

- (b) are not eligible for MassHealth Standard, CommonHealth, Family Assistance, or CarePlus;
- (c) do not have anyone in their premium billing family group who is otherwise receiving a premium assistance benefit; and
- (d) have been determined ineligible for a Qualified Health Plan with a Premium Tax Credit due to access to affordable employer-sponsored insurance coverage;
- (6) Limited for certain lawfully present immigrants as described in 130 CMR 504.003(A), nonqualified PRUCOLs and other noncitizens as described in 130 CMR 504.003: *Immigrants*; and
- (7) Senior Buy-in and Buy-in for certain Medicare beneficiaries

Categorically, the appellant is eligible for CarePlus. Under 130 CMR 505.008(A)(2)(c), the income limit for CarePlus coverage is 133% of the FPL. For a household of one, that limit was \$1,616 gross per month in 2023 and \$1,670 gross per month in 2024. The appellant's most recently verified gross monthly income is \$0, or 0% of the FPL. Based on this figure, MassHealth correctly determined that she qualified for MassHealth CarePlus benefits.

Additionally, under 130 CMR 505.008(E), the MassHealth CarePlus coverage start date is described at 130 CMR 502.006(A)(2)(d) and states that coverage begins ten days prior to the date of receipt of the verifications or reported change. Here, the appellant updated her income on January 19, 2024, and MassHealth correctly redetermined her eligibility and approved her for MassHealth CarePlus benefits with a start date of January 9, 2024.

The appellant's main issue at hearing, however, is the October 10, 2023 notice informing her that she did not qualify for MassHealth benefits, but was eligible for a Connector Care plan through the Health Connector and the Health Safety Net. At hearing, she explained that she had a hospital stay prior to enrolling in a Health Connector plan. The Health Safety Net covered part of that bill, but she is still left with about \$1,800 in medical bills. She argued that the income MassHealth used to make that determination was not accurate.² To address that issue, it is necessary to establish jurisdiction over MassHealth's October 10, 2023 notice, which cannot be done here. Under 130 CMR 610.015(B)(1), the Board of Hearings must receive a request for a fair hearing within 60 days after an applicant or member receives written notice from MassHealth of the intended action. It is presumed that the notice was received on the fifth day after mailing. See 130 CMR 610.015(B)(1). Unfortunately, the appellant's January 26, 2024 Request for a Fair Hearing was not received within 60 days (plus five for mailing) of the October 10, 2023 notice. As such, the October 10, 2023 determination is outside the scope of this appeal.

² It should be noted that MassHealth based the October 10, 2023 determination on income reported by the appellant, who provided a pay stub. Pursuant to 130 CMR 501.010, it is the member's responsibility both to cooperate with MassHealth in providing information necessary to establish and maintain eligibility and to report within ten days any changes, such as changes in income, that may affect eligibility.

For these reasons, the January 19, 2024 MassHealth determination was correct and 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.

Alexandra Shube
Hearing Officer
Board of Hearings

cc: MassHealth Representative: Quincy MEC, Attn: Appeals Coordinator, 100 Hancock Street, 6th Floor, Quincy, MA 02171