

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Approved	Appeal Number:	2403895
Decision Date:	04/11/2024	Hearing Date:	04/10/2024
Hearing Officer:	Susan Burgess-Cox		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Waleska Estrada

Interpreter:



*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	Issue:	Eligibility
Decision Date:	04/11/2024	Hearing Date:	04/10/2024
MassHealth's Rep.:	Waleska Estrada	Appellant's Rep.:	Pro se
Hearing Location:	All Parties Appeared by Telephone	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 February 29, 2024, MassHealth notified the appellant that it made a change to his deductible amount because of an increase or decrease in income or an increase in assets. (130 CMR 520.000; Exhibit 1). The appellant needs to meet a deductible in the amount of \$8,461 to become eligible for MassHealth Standard. (130 CMR 519.000; 130 CMR 520.000; Exhibit 1). The appellant appealed this decision in a timely manner on March 1, 2024. (130 CMR 610.015; Exhibit 2). A change in the scope or amount of assistance is valid grounds for appeal. (130 CMR 610.032).

Action Taken by MassHealth

MassHealth notified the appellant of a change in a deductible amount due to an increase or decrease in income or an increase in assets. (130 CMR 519.000; 130 CMR 520.000).

Issue

Whether MassHealth was correct in their decision regarding the change in the appellant's deductible amount.

Summary of Evidence

The appellant is over the age of 65. At the time of the eligibility decision on appeal, MassHealth had information about the appellant as a member of a household of 2 with monthly gross income of \$2,091. The MassHealth representative testified that total income was from the appellant's receipt of income from the Social Security Administration in the amount of \$843 each month and that of the appellant's spouse in the amount of \$1,248 each month. After applying a regulatory \$20 disregard, the total countable income at the time of the decision, \$2,071, resulted in the calculation of a deductible in the amount of \$8,461.

At the hearing, the appellant testified that he is separated from his wife and provided a separate address for his wife. The MassHealth representative accepted this testimony and determined the appellant eligible for MassHealth Standard as of April 1, 2024. The appellant did not dispute the figures presented regarding the income he receives from the Social Security Administration.

Findings of Fact

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

1. The appellant is over 65-years of age.
2. At the time of the eligibility decision, MassHealth regarded the appellant as a member of a household of 2.
3. The appellant has a gross monthly income of \$843.
4. At the time of the eligibility decision, MassHealth considered income of the appellant's spouse in the amount of \$1,248.
5. At the time of the eligibility decision, MassHealth determined that the appellant had total countable income of \$2,071.
6. At the hearing, the appellant testified that he does not live with his spouse.
7. At the hearing, the MassHealth representative agreed to remove the appellant's spouse from his case and determined the appellant eligible for MassHealth Standard as of April 1, 2024.

Analysis and Conclusions of Law

MassHealth administers and is responsible for delivery of healthcare benefits to MassHealth

members. (130 CMR 515.002). 130 CMR 515.000 through 522.000 (referred to as Volume II) provide the requirements for non-institutionalized persons aged 65 or older, institutionalized persons of any age, persons who would be institutionalized without community-based services, as defined by Title XIX of the Social Security Act and authorized by M.G.L. c. 118E, and certain Medicare beneficiaries. (130 CMR 515.002(B)). The appellant falls under these requirements since he is over 65-years old. (130 CMR 515.002). Under these requirements, the type of coverage for which a person is eligible is based on their income and assets, as described in 130 CMR 519.000 and 520.000. (130 CMR 515.003(B)).

Financial eligibility for MassHealth is based on financial responsibility, countable income, and countable assets. (130 CMR 520.001). In determining eligibility for MassHealth, the total countable-income amount and countable assets of the individual and the spouse who are living together is compared to an income standard and asset limit. (130 CMR 520.002(A)). An individual and the spouse's gross earned and unearned income less certain business expenses and standard income deductions is referred to as the countable income amount. (130 CMR 520.009(A)(1)). In determining gross monthly income, MassHealth multiplies the average weekly income by 4.333 unless the income is monthly. (130 CMR 520.009(A)(1)). For community residents, the countable-income amount is compared to the applicable income standard to determine the individual's financial eligibility. (130 CMR 520.009(A)(2)).

The types of income that are considered in the determination of eligibility are described in 130 CMR 520.009, 520.018, 520.019, and 520.021 through 520.024. (130 CMR 520.009(A)(4)). MassHealth considers both earned income and unearned income as countable in determining eligibility. (130 CMR 520.009).

Unearned income includes, but is not limited to, social security benefits, railroad retirement benefits, pensions, annuities, federal veterans' benefits, rental income, interest, and dividend income. (130 CMR 520.009(D)). The applicant or member must verify gross unearned income. (130 CMR 520.009(D)). The appellant did challenge the information presented regarding his monthly income of \$843 from the Social Security Administration.

For individuals residing in the community who are over 65-years of age, MassHealth allows a standard deduction of \$20 from total gross unearned income per individual or married couple. (130 CMR 520.013). This deduction results in a countable income of \$823 for the appellant. MassHealth allows additional deductions for unearned income but only under certain circumstances which include receiving personal-care attendant services or being determined by MassHealth, through an initial screening or prior authorization, that such services are needed. (130 CMR 520.013). The appellant did not provide evidence of undergoing a screening or prior authorization to determine that personal care services are needed. MassHealth made the correct deductions to the appellant's income.

Pursuant to 130 CMR 519.005(A), noninstitutionalized individuals aged 65 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, 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.

The appellant's countable income of \$823 is less than 100% of the federal-poverty level for a household of one. (130 CMR 520.000). Therefore, the appellant is eligible for MassHealth Standard.

This appeal is approved to ensure the appellant receives the coverage discussed at hearing.

Order for MassHealth

Determine the appellant eligible for MassHealth Standard as of April 1, 2024.

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.

Susan Burgess-Cox
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Dori Mathieu, Springfield MassHealth Enrollment Center, 88 Industry Avenue, Springfield, MA 01104, 413-785-4186