

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2404005
Decision Date:	06/06/2024	Hearing Date:	04/23/2024
Hearing Officer:	Alexandra Shube		

Appearance for Appellant:



Appearance for MassHealth:

Via telephone:

Leslie Garcia, Tewksbury 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:	Over 65; Eligibility; Income
Decision Date:	06/06/2024	Hearing Date:	04/23/2024
MassHealth's Rep.:	Leslie Garcia	Appellant's Rep.:	
Hearing Location:	Tewksbury MassHealth Enrollment Center	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 March 5, 2024, MassHealth informed the appellant that her coverage would change from MassHealth Standard with the Buy-In to the Senior Buy-In because her income was too high for MassHealth Standard (Exhibit 1). The appellant filed this appeal in a timely manner on March 14, 2024 (see 130 CMR 610.015(B) and Exhibit 2). Denial and/or modification of assistance is valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied the appellant MassHealth Standard benefits.

Issue

The appeal issue is whether MassHealth correctly determined that the appellant is not eligible for MassHealth Standard benefits because she is over the allowable income limit.

Summary of Evidence

The representatives for MassHealth and the appellant appeared at the hearing via telephone. The MassHealth representative testified as follows: the appellant is over the age of 65 with a household size of one. MassHealth initially received an application for her on December 7, 2021, and she was approved for MassHealth Standard. The MassHealth computer system completed autorenewals in 2022 and 2023, which also approved the appellant for MassHealth Standard. Most recently, MassHealth received and processed a long-term care application on behalf of the appellant. Based on the information received, MassHealth notified the appellant on March 5, 2024 that she was over the income limit for MassHealth Standard benefits and she is eligible for the Senior Buy-In, effective March 19, 2024. The appellant receives \$1,683 from Social Security, which for a household of one is 132.5% of the Federal Poverty Level. The limit to qualify for MassHealth Standard is 100% of the FPL, or \$1,255 gross per month for an individual over the age of 65 in the community.

The MassHealth representative explained that even with the Personal Care Attendant (PCA) supplement and disregard, the appellant was still over the allowable income limit, although the PCA disregard did lower the appellant's deductible to \$78 for the six-month period of March 5, 2024 to October 1, 2024. The MassHealth representative also discussed the Frail Elder Waiver.

The appellant's representative stated she has already started the Frail Elder Waiver process with her mother's local elder services. Her mother is not in a nursing facility, but receives about 45 hours per week of PCA assistance that is paid for by MassHealth. Her mother may need long-term care eventually, but at this time, she can keep her at home if she has the PCA hours.

The MassHealth representative explained that based on the application received, the case is now owned by the long-term care intake department, so she is unable to make any changes on the case. She provided the appellant's representative with the name and phone number for the long-term case worker and recommended that the appellant's representative contact her and tell her she is not interested in long-term care. Based on testimony, it sounds like the appellant should have filled out the long-term care supplement, which is used when applying for the Frail Elder Waiver, but not the long-term care application. The appellant's MassHealth Standard benefits with Senior Buy-In are protected by aid pending during the appeal process.

Findings of Fact

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

1. On March 5, 2024, MassHealth notified the appellant, who is over the age of 65 with a household size of one, that her MassHealth benefits would change from MassHealth Standard with Senior Buy-In to Senior Buy-In because her income was too high to qualify for

MassHealth Standard (Testimony and Exhibit 1).

2. The appellant has gross monthly income of \$1,683 from Social Security (Testimony and Exhibit 1).
3. To qualify for MassHealth Standard coverage, the appellant's countable income would have to be at or below 100% of the Federal Poverty Level (FPL), which for 2024 is \$1,255 per month for a household of one (Testimony).
4. On March 14, 2024, the appellant timely appealed the notice (Exhibit 2).
5. The appellant did not dispute her income (Testimony).
6. The appellant lives in the community with the help of PCA services she receives through MassHealth (Testimony).
7. When the PCA disregard is applied, the appellant is still over the allowable income limit to qualify for MassHealth Standard benefits (Testimony and Exhibit 1).
8. The appellant's MassHealth Standard benefits with Senior Buy-In are protected by aid pending during the appeal process.

Analysis and Conclusions of Law

130 CMR 519.005 states the following for community residents 65 years of age and older:

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

(Emphasis added).

As explained above, to qualify for MassHealth Standard benefits, the countable income of an individual who is over the age of 65 must be equal to or less than 100% of the Federal Poverty Level which for a household of one is \$1,255. The appellant's most recently verified gross monthly income is \$1,683 from Social Security, which is above the allowable limit to qualify for MassHealth

Standard benefits. As such, MassHealth correctly determined that the appellant qualifies for MassHealth Senior Buy-In benefits, but not MassHealth Standard benefits. For these reasons, the appeal is denied.¹

Order for MassHealth


None, other than remove aid pending.

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: Sylvia Tiar, Tewksbury MassHealth Enrollment Center, 367 East Street, Tewksbury, MA 01876-1957



¹ As discussed at hearing, the appellant can follow through with the Frail Elder Waiver application process as a possible avenue to MassHealth Standard coverage.