

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2405819
Decision Date:	6/27/2024	Hearing Date:	05/24/2024
Hearing Officer:	Alexandra Shube		

Appearances for Appellant:
Via Teams Videoconference:



Appearances for MassHealth:
Via Teams Videoconference:
Nicole Veras, Tewksbury MEC
Roxana Noriega, Premium Assistance



*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; Premium Assistance; Access to other insurance
Decision Date:	6/27/2024	Hearing Date:	05/24/2024
MassHealth's Rep.:	Nicole Veras; Roxana Noriega	Appellant's Rep.:	Pro se; Spouse
Hearing Location:	Tewksbury MassHealth Enrollment Center 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 March 29, 2024, MassHealth informed the appellant that he has health insurance available through a job that meets the rules for MassHealth Premium Assistance and he needs to enroll his children in the plan by May 28, 2024 or his MassHealth benefits may end (Exhibit 1). The appellant filed this appeal in a timely manner on April 10, 2024 (see 130 CMR 610.015(B) and Exhibit 2). Challenging the scope of assistance is valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth informed the appellant that he is eligible for MassHealth Premium Assistance and he needs to enroll his children in the plan by May 28, 2024 or his MassHealth benefits may end.

Issue

The appeal issue is whether MassHealth was correct in determining that the appellant is eligible for MassHealth Premium Assistance and must enroll in available employer-sponsored insurance.

Summary of Evidence

The MassHealth representative, Premium Assistance representative, and appellant with his wife (who together are parents to two children under the age of [REDACTED]) all appeared at hearing via Teams videoconference. The MassHealth representative testified as follows: on March 29, 2024, MassHealth issued a notice informing the appellant that there was employer-sponsored health insurance (ESI) available and the appellant's children must enroll in it to maintain MassHealth benefits. She stated that the household's gross annual income is \$82,146.45 (\$33,768 gross annually for the appellant and \$48,378.45 gross annually for the spouse), or 258.29% of the Federal Poverty Level (FPL), which puts the appellant and his wife above the income limit to qualify for MassHealth benefits. That limit for a non-disabled adult under the age of 65 is 133% of the FPL, or \$41,496 gross annually for a household of four. The children are eligible for MassHealth Family Assistance. The appellant and his spouse are eligible for a Connector Care Plan Type 3B with advanced premium tax credit through the Health Connector because they did not enroll in the ESI yet.

The appellant and his wife explained that the wife gets health insurance through her employer; however, they live [REDACTED] from her employer and the providers near their home are out of network. The closest providers covered by the ESI are [REDACTED] from their home. They did not dispute their income, but were concerned that if a child gets sick, there is nowhere nearby that will accept the ESI. They wanted the children to have MassHealth benefits. They are currently paying a lot (\$400 per month) for the Health Connector insurance because the appellant's wife is going through treatment for thyroid cancer and needs the coverage.

The Premium Assistance representative explained that a qualifying event letter was sent on March 29, 2024 to the appellant's spouse. There are three different plans from her employer that qualify for MassHealth Premium Assistance, which would pay for 100% of the premium. The ESI would be the children's primary insurance and MassHealth would be the children's secondary insurance. If something is out of network or the ESI does not cover it, MassHealth would pick up the difference for the children. She explained the Premium Assistance enrollment process and stated she would also send a new qualifying event letter to make sure the appellant would be able to enroll the children in the ESI.

Findings of Fact

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

1. The appellant is an adult over the age of [REDACTED] and under the age of [REDACTED] with a household size of four, including his spouse and two children younger than [REDACTED] (Testimony and Exhibit 4).
2. Through a notice dated March 29, 2024, MassHealth informed the appellant that he has health insurance available through a job that meets the rules for MassHealth Premium Assistance and he needed to enroll his children in the plan by May 28, 2024 or his MassHealth benefits may end (Testimony and Exhibit 1).
3. The household's most recently verified gross annual income is \$82,146.45, which for a household of four is 258.29% of the FPL (Testimony).
4. The appellant and his spouse did not dispute their income (Testimony).
5. To qualify for MassHealth benefits as a non-disabled adult, the appellant's income would have to be at or below 133% of the FPL, or \$41,496 gross annually for a household of four (Testimony).
6. For children under [REDACTED] the income limit for MassHealth Standard is 150% of the FPL and for Family Assistance, greater than 150% and less than 300% of the FPL. For a household of four, 150% of the FPL is \$46,800 gross annual income and 300% of the FPL is \$93,600.
7. On April 10, 2024, the appellant timely appealed the MassHealth notice (Exhibit 2).
8. The appellant's wife has access to health insurance through her employer (Testimony and Exhibit 1).
9. The appellant and his spouse are over income for MassHealth benefits and currently qualify for a Connector Care Plan Type 3B with advanced premium tax credit through the Health Connector because they did not enroll in the ESI yet (Testimony).
10. The appellant's two children are eligible for MassHealth Family Assistance as their secondary insurance (Testimony).

Analysis and Conclusions of Law

At issue is whether the appellant must enroll his children in health insurance available to his family through his wife's employer in order for the children to maintain their MassHealth benefits. To determine that, it is necessary to first address whether MassHealth correctly determined the family's MassHealth benefits.

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 ■■■ through ■■■ 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;
 - (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.

¹ "Young adults" is defined at 130 CMR 501.001 as those aged ■■■■■

Categorically, the appellant's two children under the age of [REDACTED] are eligible for MassHealth Standard and MassHealth Family Assistance; however, under 130 CMR 505.002(B)(2), the income limit for Standard is 150% of the FPL for a child aged [REDACTED] and under 130 CMR 505.005(A)(1), the income limit for Family Assistance is greater than 150% and less than 300% of the FPL. For a household of four, 150% of the FPL is \$46,800 gross annual income and 300% of the FPL is \$93,600 gross annual income. The appellant's most recently verified gross annual income is \$82,146.45, or 258.29% of the FPL. Based on this figure, the children are over the income limit to qualify for MassHealth Standard, but within the limit for MassHealth Family Assistance. As such, MassHealth correctly determined the coverage type for which they are eligible.

Categorically, as a parent of children under the age [REDACTED] the appellant and his spouse are eligible for MassHealth Standard; however, under 130 CMR 505.002(C)(1), the income limit for that coverage type is 133% of the FPL. For a household of four, that limit is \$41,496 gross annually. Based on this figure, the appellant and his spouse are over the income limit for MassHealth Standard benefits and MassHealth's determination was correct.

Pursuant to 130 CMR 505.002(M), applicants and members must use potential health insurance benefits in accordance with 130 CMR 503.007, which states that MassHealth is the payer of last resort and pays for health care and related services only when no other source of payment is available, except as otherwise required by federal law. Here, there is no dispute that the appellant and his family have access to other health insurance through his spouse's employer. For these reasons, MassHealth's determination that the appellant's children must enroll in the ESI to continue to receive MassHealth benefits is correct.

Through its Premium Assistance program, MassHealth provides financial assistance to eligible members that have access to private health insurance, to help cover the cost of their health insurance premiums. See 130 CMR 506.012(C). Eligibility for this benefit is based on "the individual's coverage type and the type of private health insurance the individual has or has access to." See 130 CMR 506.012(C). Premium Assistance is available to MassHealth members who are younger than [REDACTED] years old and eligible for Family Assistance. *Id.* Once enrolled, MassHealth issues "premium assistance payments" to the policyholder of the plan. The premium assistance payment is the amount MassHealth contributes to the cost of health insurance coverage for the member. See 130 CMR 501.001. MassHealth's determination that the appellant's children are eligible for Premium Assistance is correct based on their eligibility for Family Assistance and access to private health insurance.

For these reasons, MassHealth's determination is 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

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