

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2407730
Decision Date:	8/5/2024	Hearing Date:	06/11/2024
Hearing Officer:	Scott Bernard		

Appearance for Appellant:
Pro se via telephone

Appearance for MassHealth:
Eleanor Kwapien (Springfield MEC) *via*
telephone



*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:	Community/Over 65/MSP/Start Date
Decision Date:	8/5/2024	Hearing Date:	06/11/2024
MassHealth's Rep.:	Eleanor Kwapien	Appellant's Rep.:	<i>Pro se</i>
Hearing Location:	Springfield MassHealth Enrollment Center	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 May 7, 2024, MassHealth informed the appellant that he was eligible for the Medicare Savings Program for Qualified Medicare Beneficiaries (the Senior Buy-In) beginning on June 1, 2024. (See 130 CMR 519.010 and Exhibit (Ex.) 1; Ex. 5, pp. 5-6). The appellant filed this appeal in a timely manner on May 13, 2024. (See 130 CMR 610.015(B) and Ex. 2). Determination of the start date for MassHealth benefits is valid grounds for appeal. (See 130 CMR 610.032).

Action Taken by MassHealth

MassHealth determined that the start date for the appellant's Senior Buy-In benefit would be June 1, 2024.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 519.010, in determining that the start date of the appellant's Senior Buy-In benefit was June 1, 2024.

Summary of Evidence

The hearing was attended telephonically by an eligibility worker from the Springfield MassHealth Enrollment Center (MEC), who represented MassHealth (the MassHealth representative), and the appellant, who represented himself.

The appellant is over the age of 65 years old and lives in a household of one in the community. (Testimony; Ex. 3). The sole source of appellant's income is \$1,803 per month from Social Security, which is 143.67% of the federal poverty level (FPL). (Testimony). Prior to March 31, 2024, the appellant received MassHealth Buy-In for Specified Low Income Medicare Beneficiaries (SLMB). (Testimony; Ex. 3). The appellant's SLMB ended because he failed to submit a review form. (Testimony; Ex. 4). MassHealth notified the appellant of his termination in a notice dated February 23, 2024. (Ex. 5, p. 3; Testimony). The appellant did not appeal the termination notice. (Testimony).

On May 3, 2024, the appellant submitted his renewal application. (Testimony). In a letter dated May 7, 2024 MassHealth notified the appellant that he was approved for the Senior Buy-In starting on June 1, 2024. (Ex. 1). The appellant is arguing for an earlier start date because his coverage lapsed and MassHealth did not pay his Medicare premium for April and May 2024. (Testimony). The MassHealth representative explained that for the Senior Buy-In, the start date is the first day of the month following the date MassHealth sent the approval notice. (Testimony). Since MassHealth sent the approval notice on May 7, the start date was June 1, 2024. (Ex. 1; Testimony).

The MassHealth representative stated that if MassHealth had approved the appellant for the same benefit, SLMB, it would have been able to approve the appellant retroactively for up to 90 days before the date the appellant submitted his renewal. (Testimony). The appellant's benefit was upgraded, however, to the Senior Buy-In, which has different rules concerning the start date. (Testimony).

In response, the appellant stated the following. The appellant did not recall receiving the notices asking that he submit a renewal. (Testimony). It was then determined that MassHealth had sent the renewal notice to the appellant's former address. (Testimony). The appellant was not sure, however, that he had informed MassHealth that he had moved. (Testimony). The appellant was concerned about the impact of the loss of the premium payments for April and May, stating that he was concerned about the reduction in his income. (Testimony). The appellant stated, however, that his Social Security checks for those months had not been reduced by the amount he would need to pay in Medicare premium. (Testimony).

Findings of Fact

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

1. The appellant is over the age of 65 years old and lives in a household of one in the community. (Testimony; Ex. 3).
2. The sole source of appellant's income is \$1,803 per month from Social Security, which is 143.67% of the FPL. (Testimony).
3. Prior to March 31, 2024, the appellant received SLMB. (Testimony; Ex. 3).
4. The appellant's SLMB ended because he failed to submit a review form. (Testimony; Ex. 4).
5. MassHealth notified the appellant of this termination in a notice dated February 23, 2024. (Ex. 5, p. 3; Testimony).
6. The appellant did not appeal the termination notice. (Testimony).
7. On May 3, 2024, the appellant submitted his renewal application. (Testimony).
8. In a letter dated May 7, 2024 MassHealth notified the appellant that he was approved for the Senior Buy-In starting on June 1, 2024. (Ex. 1).
9. For the Senior Buy-In, the start date is the first day of the month following the date MassHealth sent the approval notice. (Testimony).

Analysis and Conclusions of Law

The Medicare Savings Plan for Qualified Medicare Beneficiaries (MSP), formerly known as the Senior Buy-In, is a MassHealth benefit available to certain¹ MassHealth members. (130 CMR 519.010(A)). Once members establish eligibility for MSP coverage, MassHealth will pay their Medicare Part A and Part B premiums, deductibles, and coinsurance. (130 CMR 519.010(B)). The begin date for the MSP benefit is the first day of the calendar month following the date of the MassHealth eligibility determination. (130 CMR 519.010(C)). The appellant submitted his renewal application to MassHealth on May 3, 2024. MassHealth determined that the appellant was eligible for the Senior Buy-In, and issued an approval notice on May 7, 2024. Since the approval notice was sent in May, the begin date for the appellant's benefit was properly determined to be June 1, 2024.

For that reason, the appeal is DENIED.

¹ Medicare beneficiaries entitled to hospital benefits under Medicare Part A who have countable income that is less than or equal to 190% of the federal poverty level and meet the universal requirements described in 130 CMR 517.000.

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.

Scott Bernard
Hearing Officer
Board of Hearings

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