

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



| | | | |
|-------------------------|----------------|-----------------------|------------|
| Appeal Decision: | Denied | Appeal Number: | 2407788 |
| Decision Date: | 8/9/2024 | Hearing Date: | 06/24/2024 |
| Hearing Officer: | Marc Tonaszuck | | |

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Christopher Champagne



*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 – Over 65 Years of Age |
| Decision Date: | 8/9/2024 | Hearing Date: | 06/24/2024 |
| MassHealth's Rep.: | Christopher Champagne | Appellant's Rep.: | Pro se |
| Hearing Location: | Springfield 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 05/13/2024, MassHealth informed the appellant that it decided she was not eligible for MassHealth Standard benefits because she had more countable income than MassHealth program limits allow. MassHealth informed the appellant she is eligible for MassHealth Senior Buy-In benefits (see 130 CMR 520.001, 520.028, 520.003, 520.004 and Exhibit 1). The appellant a filed timely appeal on 05/14/2024 and she continues to receive benefits pending the outcome of this appeal (see 130 CMR 610.015(B) and Exhibit 2). Denial of assistance and level of assistance are valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth plans to terminate the appellant's MassHealth Standard benefits because her income exceeds the program limits.

Issue

The appeal issue is whether MassHealth is correct in determining that the appellant is not eligible for MassHealth Standard benefits because her income exceeds the program limits.

Summary of Evidence

Exhibits 1-3 were admitted into evidence. Parties participated in the fair hearing telephonically.

The MassHealth representative testified that the appellant is over 65 years of age and she lives in the community. She is counted as a household of one for the purposes of MassHealth eligibility. She was previously determined to be eligible for MassHealth Standard benefits prior to the instant MassHealth determination.

A recent eligibility determination showed that the appellant has unearned income from Social Security in the amount of \$1,301.00 per month and earned income of \$1,281.00 per month. Her total gross monthly income is \$2,582.00. Because the appellant's gross monthly income exceeds 100% of the federal poverty limit (\$1,255.00 per month for a household of one), she is not eligible for MassHealth Standard benefits. MassHealth calculated a six-month deductible of \$7,815.00 for the appellant to meet with medical bills before she can become eligible for MassHealth benefits. The deductible must be met every six months. The deductible period is from 05/01/2024 to 11/01/2024. Alternatively, the appellant may submit a PCA supplement or apply for a Frail Elder Waiver to reduce or eliminate the deductible. The appellant was approved for Senior Buy-In benefits.

The appellant appeared and testified telephonically that she will lose her eligibility for Commonwealth Care Alliance benefits through MassHealth Standard. She was receiving assistance with shopping, transportation and food stamps. She did not contest that she was eligible for Senior Buy-In benefits.

Findings of Fact

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

1. Appellant is over 65 years of age and lives in the community. For the purposes of MassHealth eligibility, the appellant is a member of a household of one (Testimony).
2. Appellant's gross income is \$2,582.00 per month. She receives \$1,301.00 from Social Security and \$1,152.00 from employment (Testimony).
3. 100% of the federal poverty level for a household of one is \$1,255.00 as of 03/2024.
4. Appellant has submitted no outstanding unpaid medical bills or medical bills she paid out of

pocket (Testimony).

5. Appellant's assets are not at issue in this appeal (Testimony).
6. On 05/13/2024, MassHealth informed the appellant that it decided she was no longer eligible for MassHealth benefits because she had more countable income than MassHealth benefits allow. MassHealth planned to terminate the appellant's MassHealth Standard benefits on 06/01/2024 (Exhibit 1; Testimony).
7. Prior to the instant MassHealth denial, the appellant was determined to be eligible for MassHealth Standard benefits (Testimony).
8. The appellant appealed the 05/13/2024 notice to the Board of Hearings on 05/14/2024. Her MassHealth Standard benefits are protected pending the outcome of this appeal (Exhibit 2).
9. A fair hearing was held on 06/24/2024. Both parties appeared telephonically (Exhibit 3).
10. The appellant does not have a PCA waiver or a Frail Elder Waiver in place (Testimony).
11. The appellant can become eligible for MassHealth benefits by meeting a deductible of \$7,815.00 for the deductible period of 05/01/2024 to 11/01/2024 (Testimony; Exhibit 1).

Analysis and Conclusions of Law

MassHealth regulations at 130 CMR 519.005 address MassHealth eligibility requirements for community residents aged 65 and older as follows:

Community Residents 65 Years of Age or 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% 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.

(B) Financial Standards Not Met. Except as provided in 130 CMR 519.005(C), individuals whose income, assets, or both exceed the standards set forth in 130 CMR 519.005(A) may establish eligibility for MassHealth Standard by reducing their assets in accordance with 130 CMR 520.004: Asset Reduction, meeting a deductible as described at 130 CMR 520.028:

Eligibility for a Deductible through 520.035: Conclusion of the Deductible Process, or both.

(Emphasis added.)

130 CMR 520.030: Calculating the Deductible

The deductible is determined by multiplying the excess monthly income by six. Excess monthly income is the amount by which the applicant's countable-income amount as described in 130 CMR 520.009 exceeds the MassHealth deductible-income standard.

The appellant is over 65 years of age and she lives in the community. Her undisputed gross monthly income is \$2,582.00. The above regulation states that in order to be eligible for MassHealth Standard benefits as a member of the community who is 65 year of age or older, the gross monthly income must be less than 100% of the federal poverty level, or \$1,255.00 as of 03/2024. The appellant's countable income of \$2,582.00 exceeds the MassHealth's income limit of \$1,255.00 for a community applicant who is 65 years of age or older.

The regulations dictate that when an individual's monthly income is above 100% of the federal poverty limit, a deductible can be met for MassHealth eligibility. MassHealth calculated a deductible of \$6.552.00, calculated as follows:

| | | | |
|---|------------|-----------|-------------------|
| Unearned income (Social Security) | \$1,301.00 | | |
| Disregard | | -\$20.00 | |
| | | | |
| Earned Income | \$1,281.00 | | |
| Disregard | | -\$65.00 | |
| | | | |
| Half of Countable Earned Income | | -\$543.00 | |
| | | | |
| Total Countable Income | | | \$1,824.50 |
| MassHealth Income Standard for a Household of One | | -\$522.00 | |
| Monthly Deductible | | | \$1,302.50 |
| Six Month Deductible (\$1,302.50 X 6) | | | \$7,815.00 |

The appellant did not dispute the calculation of the deductible. Assets are not at issue in this appeal.

MassHealth correctly determined the appellant was over the income limit. It also correctly calculated the deductible to establish eligibility. To become eligible for MassHealth benefits, the appellant must submit verification to MassHealth of paid or unpaid medical bills (her responsibility) totaling \$7,815.00 incurred during the deductible period (05/01/2024 to 11/01/2024). This deductible must be met every six months.

The appellant has presented no evidence that she has pursued the PCA waiver or the Frail Elder Waiver. Accordingly, there is no evidence that the appellant is eligible for MassHealth CommonHealth or Standard benefits.

At the fair hearing, the appellant did not dispute her eligibility for Senior Buy-In benefits.

The evidence in the hearing record, as applied to the applicable regulations, supports MassHealth's termination of the appellant's application for Standard benefits. As a result, this appeal is denied.

Order for MassHealth

Release 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.

Marc Tonaszuck
Hearing Officer
Board of Hearings

cc: Springfield MEC