


**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2407893
Decision Date:	8/20/2024	Hearing Date:	06/27/2024
Hearing Officer:	Scott Bernard		

Appearance for Appellant:

 (Mother) via telephone

Appearance for MassHealth:

Michael Richelson (Tewksbury 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:	Kalleigh Mulligan Program/Income
Decision Date:	8/20/2024	Hearing Date:	06/27/2024
MassHealth's Rep.:	Michael Richelson	Appellant's Rep.:	
Hearing Location:	Taunton 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 May 10, 2024, MassHealth notified the appellant that his MassHealth coverage would end on May 24, 2024 because he had more countable income than MassHealth benefits permit. (See 130 CMR 519.007; 520.028; and Exhibit (Ex.) 1). The appellant filed this appeal in a timely manner on May 15, 2024. (See 130 CMR 610.015(B); and Ex. 2). Termination of assistance is valid grounds for appeal. (See 130 CMR 610.032).

Action Taken by MassHealth

MassHealth notified the appellant that it would terminate his MassHealth coverage because he had more countable income than permitted under the Kaileigh Mulligan program.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 519.007(A), in determining that the appellant's income exceeded the income limit for the Kaileigh Mulligan program.

Summary of Evidence

A benefit eligibility and referral social worker from the Tewksbury MassHealth Enrollment Center (MEC) represented MassHealth and the appellant was represented by his mother. Both parties attended the hearing by telephone.

The MassHealth representative testified to the following. The appellant is an individual under the age of 18 years old, who has received MassHealth benefits through the Kaileigh Mulligan Program since [REDACTED] 2011. (Testimony; Ex. 3). On May 1, 2024, MassHealth received and processed the appellant's renewal application for the Kaileigh Mulligan program. (Testimony). As part of the renewal process, MassHealth initiated an information match with the Social Security Administration (SSA) through the Federal Data Hub. (Testimony). MassHealth learned that the appellant is receiving \$1,634 per month from Social Security. (Testimony). In order to be eligible for the Kaileigh Mulligan Program, a MassHealth member's gross monthly income cannot exceed \$72.80. (Testimony). For that reason, MassHealth sent the appellant the notice on May 10, 2024 informing him that his benefits would end on May 24, 2024 because he had more countable income than MassHealth allowed. (Testimony; Ex. 1). The notice also stated that the appellant could become eligible for the Kaileigh Mulligan Program if he met a deductible of \$9,247 for the months of April through September, 2024. (Ex. 1).

The appellant's mother explained that she began receiving Social Security Disability Insurance (SSDI) in May 2024, and the appellant's income is the dependent benefit. (Testimony). The appellant is not receiving Supplemental Security Income (SSI). (Testimony). The appellant's mother stated that until four years ago, the appellant's primary insurance was through the insurance she received from her employer and MassHealth was the secondary insurer. (Testimony). Four years ago, the appellant's mother was injured. (Testimony). The appellant's mother has since undergone two surgeries and these, combined with other health issues, have made her unable to work and resulted in eligibility for SSDI. (Testimony).

The appellant is severely disabled, with conditions including kidney disease, lung disease, and autism. (Testimony). When the appellant's mother stopped working, she lost the health insurance coverage she had through her employer. (Testimony). The appellant's father only works part-time and seasonally and does not have access to private health insurance. (Testimony). The appellant's mother and father subsequently enrolled in MassHealth for coverage. (Testimony). After the appellant's mother was approved for SSDI, she was no longer eligible for MassHealth. (Testimony). Even though she is over the income limit for MassHealth, she still receives less income than when she was working. (Testimony). Given the appellant's extensive medical needs, including home nursing services for 60 hours a week, losing his current health insurance and having to switch doctors would be devastating. (Testimony). Due to his autism, he has specific doctors and dentists he is comfortable with, and it has taken years for him to become comfortable with them. (Testimony). Losing this coverage would be extremely challenging for them. (Testimony).

The MassHealth representative stated that typically children who become financially ineligible for the Kalleigh Mulligan Program need to submit an application for persons under the age of 65 years old. (Testimony). As a disabled person, the appellant may be eligible for MassHealth CommonHealth. (Testimony). The MassHealth representative stated that for this reason, on May 28, 2024 MassHealth mailed the appellant an application to apply for benefits as a person under the age of 65 years old. (Testimony). The appellant's mother indicated that she had not received the application. (Testimony)). At the request of the hearing officer, the MassHealth representative stated that he would send the appellant's mother a second application. (Testimony).

Findings of Fact

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

1. The appellant is an individual under the age of 18 years old, who has received MassHealth benefits through the Kaileigh Mulligan Program since [REDACTED] 2011. (Testimony; Ex. 3).
2. On May 1, 2024, MassHealth received and processed the appellant's renewal application for the Kaileigh Mulligan program. (Testimony).
3. As part of the renewal process, MassHealth initiated an information match with the SSA through the Federal Data Hub. (Testimony).
4. Through this information match, MassHealth learned that the appellant is receiving \$1,634 per month from Social Security. (Testimony).
5. The appellant is receiving this Social Security as a dependent of his mother who is a recipient of SSDI. (Testimony).
6. In order to be eligible for the Kalleigh Mulligan Program, a MassHealth member's gross monthly income cannot exceed \$72.80. (Testimony).
7. For that reason, MassHealth sent the appellant a notice on May 10, 2024 informing him that his benefits would end on May 24, 2024 because he had more countable income than MassHealth allowed. (Testimony; Ex. 1).
8. The notice also stated that the appellant could become eligible for the Kaileigh Mulligan Program if he met a deductible of \$9,247 for the months of April through September, 2024. (Ex. 1).

Analysis and Conclusions of Law

The Kaileigh Mulligan Program enables severely disabled children younger than 18 years old to receive MassHealth Standard in the community by not counting the income and assets of their

parents. (130 CMR 519.007(A)). To be financially eligible for the Kalleigh Mulligan Program, a child must not have countable assets exceeding \$2,000 or countable income exceeding \$72.80 per month. (130 CMR 519.007(A)(1)(b), (c)(1)). If the child's income exceeds \$72.80 per month, they can establish eligibility by meeting a deductible that is determined in accordance with MassHealth regulations 130 CMR 520.028 through 520.035. (130 CMR 519.007(A)(1)(c)(2)).

On May 1, 2024, MassHealth received the appellant's renewal application for the Kaileigh Mulligan Program. During the course of the subsequent eligibility determination, MassHealth performed an information match with the SSA through the Federal Data Hub. MassHealth thereby learned that the appellant was receiving \$1,634 per month from Social Security. Although the appellant's mother clarified that this was a dependent benefit that the appellant was receiving because she was a recipient of SSDI, there is nothing in the regulations that would seem to exclude this income from consideration as unearned income.¹ The regulations allow for a \$20.00 deduction in determining countable income, thus the appellant's countable income is \$1,614.00 a month. (130 CMR 520.013(A)). Because the appellant's monthly income now exceeds \$72.80, which is the income limit for the Kaileigh Mulligan Program, the appellant is not eligible to continue receiving MassHealth through the Kaileigh Mulligan Program. As indicated at the hearing, the appellant may be eligible for MassHealth CommonHealth, but must first apply for MassHealth for individuals under the age of 65 years old. MassHealth shall protect the appellant's MassHealth Standard case on aid pending for 30 days from the date of this decision to give the appellant's mother time to submit a MassHealth application for persons under age 65.

For the above stated reason, the appeal is DENIED.

Order for MassHealth

Keep the appellant's case open on aid pending for 30 days from the date of this decision to give the appellant's mother time to submit a MassHealth application for persons under age 65; after 30 days from the date of this decision, remove aid pending and proceed with the action set forth in the notice dated May 10, 2024.

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

¹ Unearned income is income that does not directly result from an individual's own labor or services and 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)). An individual's gross unearned, as well as earned, income is part of what is considered as countable income for the purposes of determining eligibility. (130 CMR 520.009(A)(1)).

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

Justine Ferreira, Taunton MassHealth Enrollment Center, 21 Spring St., Ste. 4, Taunton, MA 02780