

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Approved	Appeal Number:	2409427
Decision Date:	9/6/2024	Hearing Date:	07/23/2024
Hearing Officer:	Scott Bernard		

Appearance for Appellant:
Pro se via telephone

Appearance for MassHealth:
Christine Holm (Quincy 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:	Approved	Issue:	Under 65/Downgrade/Income
Decision Date:	9/6/2024	Hearing Date:	07/23/2024
MassHealth's Rep.:	Christine Holm	Appellant's Rep.:	<i>Pro se</i>
Hearing Location:	Quincy Harbor South	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 June 5, 2024, MassHealth informed the appellant that she would not continue receiving MassHealth Standard after June 19, 2024 because she no longer met the income requirements for that coverage. (See 130 CMR 506.007(B); 502.003; and Exhibit (Ex.) 1). The appellant filed this appeal in a timely manner on June 14, 2024. (See 130 CMR 610.015(B) and received aid pending appeal. (Ex. 2). Termination of assistance is valid grounds for appeal. (See 130 CMR 610.032).

Action Taken by MassHealth

MassHealth determined that the appellant was not eligible for a MassHealth benefit because her income exceeded the income limit to qualify for MassHealth coverage.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 505.002, in determining that the appellant was not eligible for MassHealth because her income exceeded the income limit to qualify for MassHealth coverage.

Summary of Evidence

An eligibility worker from the Quincy MassHealth Enrollment Center (MEC), and the appellant both attended the hearing by telephone.

The MassHealth representative stated the following. The appellant is an individual who is under the age of 65 years old and is a citizen. (Testimony; Ex. 3). On March 19, 2024, the appellant started receiving MassHealth Standard as a pregnant person. (Testimony; Ex. 3). The appellant therefore lives in a household of two. (Testimony; Ex. 3). On June 5, 2024, the appellant contacted MassHealth and reported that her income had changed. (Testimony). The appellant reported that her gross monthly income (GMI), which was from employment, had increased to \$3,829.54. (Testimony). This meant that the appellant's income was 219.21% of the federal poverty level (FPL) for a household of two. (Testimony; Ex. 1). In order for a two person household to be eligible for MassHealth Standard, the GMI must not exceed \$2,266, which is 133% of the FPL.¹ (Testimony). MassHealth therefore issued the notice under appeal, also on June 5. (Testimony; Ex. 1). The appellant's MassHealth Standard was due to end on June 19, 2024, but her benefit has continued pending this appeal. (Testimony; Ex. 4). The appellant is eligible for Health Safety Net (HSN). (Testimony; Ex. 1).

The appellant testified to the following. The appellant confirmed that she is pregnant and is due to give birth in [REDACTED]. (Testimony). The appellant's income has not changed significantly since she reported the change in her income in June. (Testimony). The appellant did not dispute MassHealth's income calculation. (Testimony). The appellant understood that MassHealth only counts her gross income but stated that she has is having difficulty paying for her rent and car. (Testimony). The appellant is not able to afford the premium for her employer's health insurance. (Testimony). The appellant has also had trouble with the IRS because her employer did not take out taxes from her paycheck for a year in 2021. (Testimony). The appellant's income has therefore been further reduced because she is paying the IRS back for this. (Testimony).

Findings of Fact

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

1. The appellant is an individual who is under the age of 65 years old and is a citizen. (Testimony; Ex. 3).
2. On March 19, 2024 the appellant started receiving MassHealth Standard as a pregnant person. (Testimony; Ex. 3).
3. The appellant therefore lives in a household of two. (Testimony; Ex. 3).

¹ The income threshold to be eligible for MassHealth Standard as a pregnant person is 200% of the FPL. (See below).

4. On June 5, 2024, the appellant contacted MassHealth and reported that her income had increased. (Testimony).
5. The appellant's GMI was determined to be \$3,829.54, placing her at 219.21% of the FPL for a household of two. (Testimony; Ex. 1).
6. MassHealth therefore issued the notice under appeal on June 5, 2024. (Testimony; Ex. 1).
7. The appellant's MassHealth Standard was due to end on June 19, 2024, but her benefit has continued pending the resolution of this appeal. (Testimony; Ex. 4).

Analysis and Conclusions of Law

A person who is pregnant is eligible for MassHealth Standard coverage if the modified adjusted gross income of the MassHealth household is less than or equal to 200% of the FPL; and the individual is a citizen², lawfully present immigrant, nonqualified PRUCOL, or other noncitizen³. (130 CMR 505.002(D)(1)). In determining the household size, the unborn child or children are counted as if born and living with the mother. (130 CMR 505.002(D)(2). Eligibility, once established, continues for the duration of the pregnancy. (130 CMR 505.002(D)(3)).

Eligibility Requirements for People who are Pregnant.

(1) A person who is pregnant is eligible if (a) the modified adjusted gross income of the MassHealth MAGI household is less than or equal to 200% of the federal poverty level (FPL); and (b) the individual is a citizen as described in 130 CMR 504.002: U.S. Citizens, lawfully present immigrant, nonqualified PRUCOL, or other noncitizen as described in 130 CMR 504.003: Immigrants.

(2) In determining the MassHealth MAGI household size, the unborn child or children are counted as if born and living with the mother.

(3) Eligibility, once established, continues for the duration of the pregnancy.

(4) Eligibility for postpartum care for pregnant individuals who meet the requirements of 130 CMR 505.002(B)(2) and (3), (C) through (H), and (L) continues for 12 months following the termination of the pregnancy plus an additional period extending to the end of the month in which the 12-month period ends.

(130 CMR 505.002(D)).

Members of a MassHealth MAGI household who receive MassHealth Standard (whether or not

² The term "Citizen" is described in 130 CMR 504.002: *U.S. Citizens*

³ The terms "lawfully present immigrant", "nonqualified PRUCOL", and "other noncitizen" are described in 130 CMR 504.003: *Immigrants*.

they receive TAFDC) and have earnings that raise the MassHealth MAGI household's modified adjusted gross income above 133% of the federal poverty level (FPL) continue to receive MassHealth Standard for a full 12-calendar-month period that begins with the date on which the members MAGI exceeds 133% of the federal poverty level (FPL) if (a) the MassHealth household continues to include a child younger than 19 years old living with the parent or caretaker; (b) a parent or caretaker relative continues to be employed; (c) the parent or caretaker relative complies with 130 CMR 505.002(M); and (d) the member is a citizen or a qualified noncitizen.

(130 CMR 505.002(L)(3)).

On March 19, 2024, the appellant began receiving MassHealth Standard as a person who is pregnant. On June 5, 2024 the appellant reported that her GMI had increased to \$3,829.54, which was equivalent to 219.21% of the FPL for her two person household. If the appellant was applying for MassHealth as a pregnant person at this time for the first time, she would not be eligible because her income exceeds the income limit for MassHealth Standard as a pregnant person. The appellant, however, had already established that she was eligible for MassHealth Standard as a person who is pregnant in March 2024. Since the appellant had already established her eligibility for MassHealth Standard as a pregnant person prior to reporting the change in her income in June, she continued to be eligible for MassHealth Standard despite being over the income limit. (130 CMR 505.002(D)(3); 505.002(L)(3)). MassHealth therefore incorrectly downgraded the appellant's coverage. The appellant's eligibility for MassHealth Standard should continue for at least the duration of her pregnancy.⁴

For that reason, the appeal is APPROVED.

Order for MassHealth

Remove aid pending and reinstate the appellant's MassHealth Standard for at least the duration of her pregnancy.

Implementation of this Decision

If this decision is not implemented within 30 days after the date of this decision, you should contact your MassHealth Enrollment Center. If you experience problems with the implementation of this decision, you should report this in writing to the Director of the Board of Hearings, at the address on the first page of this decision.

⁴ If the appellant meets certain requirements described in 130 CMR 505.002(D)(4), eligibility for postpartum care will also continue for 12 months following the termination of the pregnancy plus an additional period extending to the end of the month in which the 12-month period ends.

Scott Bernard
Hearing Officer
Board of Hearings

Quincy MEC, Attn: Appeals Coordinator, 100 Hancock Street, 6th Floor, Quincy, MA 02171