

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2410969
Decision Date:	9/6/2024	Hearing Date:	08/16/2024
Hearing Officer:	Scott Bernard		

Appearance for Appellant:
Pro se via telephone

Appearance for MassHealth:
Jeremy Silva (Taunton 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:	Over 65/Community/Eligibility
Decision Date:	9/6/2024	Hearing Date:	08/16/2024
MassHealth's Rep.:	Jeremy Silva	Appellant's Rep.:	<i>Pro se</i>
Hearing Location:	Taunton 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 July 2, 2024, MassHealth informed the appellant that she was eligible for the MassHealth Senior Buy-In benefit¹ effective August 1, 2024 based on her income. (See 130 CMR 519.010 and Exhibit (Ex.) 1). The appellant filed this appeal in a timely manner on July 15, 2024. (See 130 CMR 610.015(B) and Ex. 2). Individual MassHealth determinations regarding scope and amount of assistance (including, but not limited to, level-of-care determinations) are valid grounds for appeal. (See 130 CMR 610.032(A)(5)).

Action Taken by MassHealth

MassHealth determined that the appellant was eligible for MassHealth Medicare Savings Program – Qualified Medicare Beneficiaries (MSP-QMB).

¹ Although the notice refers to the approved coverage as “Senior Buy-In”, on May 12, 2023 Senior Buy-In became the Medicare Savings Program – Qualified Medicare Beneficiaries. (See 130 CMR 519.010). From this point forward this decision will refer to this benefit as the Medicare Savings Program – Qualified Medicare Beneficiaries or MSP-QMB.

Issue

Whether MassHealth correctly determined that the appellant was only eligible for MSP-QMB and not for MassHealth Standard.

Summary of Evidence

A worker from the Taunton MassHealth Enrollment Center (MEC) represented MassHealth and the appellant represented herself. Both witnesses attended the hearing by telephone.

The MassHealth representative testified to the following. The appellant is over the age of [REDACTED] and lives in the community. (Testimony; Ex. 3). The appellant applied for MassHealth on July 2, 2024. (Testimony). The appellant reported a family size of one at this time. (Testimony). The appellant reported receiving gross monthly income (GMI) of \$1,296 from Social Security. (Testimony; Ex. 1). This is equal to 101.57% of the federal poverty level (FPL). (Testimony). In order to be eligible for MassHealth Standard, the appellant's GMI cannot exceed \$1,255 which is 100% of the FPL for a household of one. (Testimony). This means that the appellant is over the income limit for MassHealth Standard. (Testimony). The appellant did qualify for the Medicare Savings Plan (MSP) because the income limit for that benefit is \$2,385 per month, or 190% of the FPL for a household of one. (Testimony). On July 2, MassHealth notified the appellant that she was eligible for the MSP-QMB beginning on August 1, 2024. (Ex. 1; Testimony). On July 23, 2024, the appellant submitted a second application, which indicated that she is living in an apartment with a family member. (Testimony; Ex. 5). The MassHealth representative stated that if this were true, the appellant could be eligible for MassHealth Standard if her GMI remained at \$1,296. (Testimony).

The appellant testified to the following. The appellant did not dispute MassHealth's determination concerning her income. (Testimony). The appellant stated that she is living with the person she considers her husband. (Testimony). The appellant stated, however, that they are not legally married. (Testimony).

Findings of Fact

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

1. The appellant is over the age of [REDACTED] years old and lives in the community. (Testimony; Ex. 3).
2. The appellant applied for MassHealth on July 2, 2024. (Testimony).
3. The appellant reported a family size of one at this time. (Testimony).
4. The appellant reported receiving GMI of \$1,296 from Social Security. (Testimony; Ex. 1).
5. This is equal to 101.57% of the FPL. (Testimony; Ex. 1).

6. The income limit for MassHealth Standard for individuals living in the community is \$1,255, which is 100% of the FPL for a household of one. (Testimony).
7. The income limit for MSP-QMB is \$2,385 per month or 190% of the FPL for a household of one. (Testimony).
8. The appellant is over the income limit for MassHealth Standard but is eligible for MSP-QMB. (Testimony; Ex. 1).

Analysis and Conclusions of Law

An individual's countable income is the individual's gross earned and unearned income, less certain deductions. (130 CMR 520.009(A)(1)). The record shows that the appellant's income is \$1,295.70 per month from Social Security. Social Security is a type of unearned income in that it does not directly result from the appellant's own labor or services. (See 130 CMR 520.009(D)). MassHealth permits a deduction of \$20 to an individual's gross unearned income. (See 130 CMR 520.013(A)). The record shows that MassHealth did subtract \$20 from the appellant's unearned income of \$1,295.70 thereby concluding that the appellant's countable income was \$1,275.70. The MassHealth representative stated that this places the appellant's income at 101.7% of the FPL for a household of one.

In order to be eligible for MassHealth Standard, an individual living in the community who is [REDACTED] years of age and older and is not the parent or caretaker relative of a child under [REDACTED] must have countable income that does not exceed 100% of the federal poverty level, which is \$1,255 per month for a household of one. (130 CMR 519.005(A)). The appellant is an individual over the age of [REDACTED] living in the community. Although the appellant resides with a person whom she considers her spouse, since they are not legally married according to the laws of Massachusetts, he is not her spouse for the purposes of determining her eligibility. (See 130 CMR 515.001). The appellant therefore lives in a household of one, and for that reason also cannot be considered a parent or caretaker relative of a minor child. The appellant receives \$1,296 per month from Social Security. The income limit for MassHealth Standard is \$1,255 per month, which is 100% of the FPL for a household of one. The appellant is therefore over the income limit for MassHealth Standard at this time.

MSP-QMB is available to Medicare beneficiaries who are entitled to hospital benefits under Medicare Part A and have a countable income amount that is less than or equal to 190% of the federal poverty level. (130 CMR 519.010(A)). The record shows that the appellant is a Medicare beneficiary entitled to hospital benefits under Medicare Part A. The income limit for MSP-QMB (i.e. 190% of the federal poverty level) is \$2,309 per month for a household of one. The appellant's income is below that threshold. MassHealth correctly determined that the appellant is eligible for MSP-QMB.

For the reasons stated above, 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.

Scott Bernard
Hearing Officer
Board of Hearings

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