

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2411967
<b>Decision Date:</b>	10/7/2024	<b>Hearing Date:</b>	09/09/2024
<b>Hearing Officer:</b>	Mariah Burns		

**Appearance for Appellant:**  
Pro se

**Appearance for MassHealth:**  
Georges Jorcelin, Charlestown MassHealth  
Enrollment Center



*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

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	Under 65; Eligibility; Income
<b>Decision Date:</b>	10/7/2024	<b>Hearing Date:</b>	09/09/2024
<b>MassHealth's Rep.:</b>	Georges Jorcelin	<b>Appellant's Rep.:</b>	Pro se
<b>Hearing Location:</b>	Remote	<b>Aid Pending:</b>	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 June 7, 2024, MassHealth downgraded the appellant's MassHealth benefits from MassHealth Standard to the Health Safety Net because MassHealth determined that the appellant no longer meets the income standards to qualify. *See* 130 CMR 505.002 and Exhibit 1. The appellant filed this appeal in a timely manner on August 1, 2024. *See* 130 CMR 610.015(B) and Exhibit 2. Termination of assistance is valid grounds for appeal. *See* 130 CMR 610.032.

### Action Taken by MassHealth

MassHealth downgraded the appellant's benefits from MassHealth Standard to the Health Safety Net.

### Issue

The appeal issue is whether MassHealth correctly calculated the appellant's income in determining that she is no longer eligible for MassHealth Standard benefits.

## Summary of Evidence

The appellant is an adult under the age of 65 who resides in a household of three with her two children, one of whom is a minor. MassHealth was represented by a worker from the Quincy MassHealth Enrollment Center. All parties appeared at the hearing by telephone. The following is a summary of the evidence and testimony provided:

By way of background, the MassHealth representative explained that the appellant was previously enrolled in MassHealth Standard Benefits. In June of 2023, MassHealth determined that the appellant's monthly income exceeded MassHealth limits. However, because she is the caretaker of a minor, MassHealth found the appellant qualified for Extended Eligibility, or Transitional Medical Assistance (TMA), pursuant to 130 CMR 505.002(L)(3), and placed a 12-month protection on the appellant's benefits. That protection ended and on June 7, 2024, MassHealth generated a notice terminating the appellant's benefits with an effective date of June 21, 2024.

Related to the notice at issue, the MassHealth representative reported that, upon the termination of the appellant's TMA, her application was automatically renewed. MassHealth verified that the appellant earns monthly gross wages of \$3033.80, which equates to approximately 136% of the federal poverty level. The appellant agreed with this calculation of her income and reported that she is not pregnant, does not have breast or cervical cancer or HIV, and has not been deemed disabled. She testified that she needs lung surgery to remove fibroids. The appellant has insurance through her employer and was given contact information for the Premium Assistance Department. She was also sent a Disability Supplement should she wish to apply for those benefits.

## Findings of Fact

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

1. The appellant is an adult under the age of 65 who resides in a household of three with her two children, one of whom is a minor. Testimony, Exhibit 4.
2. The appellant previously received MassHealth Standard benefits, and in June of 2023, had a protection placed on her account extending her eligibility for MassHealth Standard for one year despite earning income over the allowed limit. Testimony. That benefit ended on June 7, 2024. Testimony, Exhibit 1.
3. The day that her extended eligibility ended, MassHealth automatically renewed the appellant's application for benefits. Testimony. That renewal led to a determination that the appellant's income exceeds the limit allowed to qualify for benefits beyond the Health Safety Net. Exhibit 1. MassHealth issued a notice reflecting as such, terminating her MassHealth Standard

benefits with an effective date of June 21, 2024. Testimony, Exhibit 1.

5. The appellant filed a timely notice of appeal on August 1, 2024. Exhibit 2.

6. The appellant earns a gross monthly income of approximately \$3033.80 in wages. Testimony.

7. The appellant is not pregnant, does not have breast or cervical cancer or HIV, and has not been deemed disabled. Testimony

## Analysis and Conclusions of Law

MassHealth regulations at 130 CMR 505.000 *et seq.* explain the categorical requirements and financial standards that must be met to qualify for a particular MassHealth coverage type. The rules of financial responsibility and calculation of financial eligibility for individuals who are under age 65 are detailed in 130 CMR 506.000: *Health Care Reform: MassHealth: Financial Requirements*. The MassHealth coverage types are:

- (1) *Standard* - for pregnant women, children, parents and caretaker relatives, young adults, disabled individuals, certain persons who are HIV positive, individuals with breast or cervical cancer, independent foster care adolescents, Department of Mental Health members, and medically frail as such term is defined in 130 CMR 505.008(F);
- (2) *CommonHealth* - for disabled adults, disabled young adults, and disabled children who are not eligible for MassHealth Standard;
- (3) *CarePlus* - for adults 21 through 64 years of age who are not eligible for MassHealth Standard;
- (4) *Family Assistance* - for children, young adults, certain noncitizens, and persons who are HIV positive who are not eligible for MassHealth Standard, CommonHealth, or CarePlus;
- (5) *Small Business Employee Premium Assistance* - for adults or young adults who
  - (a) work for small employers;
  - (b) are not eligible for MassHealth Standard, CommonHealth, Family Assistance, or CarePlus;
  - (c) do not have anyone in their premium billing family group who is otherwise receiving a premium assistance benefit; and
  - (d) have been determined ineligible for a Qualified Health Plan with a Premium Tax Credit due to access to affordable employer-sponsored insurance coverage;
- (6) *Limited* - for certain lawfully present immigrants as described in 130 CMR 504.003(A), nonqualified PRUCOLs, and other noncitizens as described in 130 CMR 504.003: *Immigrants*; and
- (7) *Senior Buy-In and Buy-In* - for certain Medicare beneficiaries.

130 CMR 505.001(A).

To establish eligibility for MassHealth benefits, applicants must meet both the categorical and financial requirements. In this case, the appellant is over the age of 21 but under 65 and is a caretaker of a child. Thus, she meets the categorical requirements to qualify for MassHealth Standard. The question then remains as to whether she meets the income requirements to qualify.

A parent or caretaker is financially eligible for MassHealth Standard if “the modified adjusted gross income of the MassHealth MAGI household is less than or equal to 133% of the federal poverty level.” 130 CMR 505.002(C)(1)(a). To determine financial eligibility pursuant to 130 CMR 506.007, MassHealth must construct a household as described, in relevant part, in 130 CMR 506.002(B) for each individual person applying for or renewing coverage:

- (1) Taxpayers Not Claimed as a Tax Dependent on His or Her Federal Income Taxes. For an individual who expects to file a tax return for the taxable year in which the initial determination or renewal of eligibility is being made and who is not claimed as a tax dependent by another taxpayer, the household consists of
  - (a) the taxpayer; including his or her spouse, if the taxpayers are married and filing jointly regardless of whether they are living together;
  - (b) the taxpayer’s spouse, if living with him or her regardless of filing status;
  - (c) all persons the taxpayer expects to claim as tax dependents; and
  - (d) if any woman described in 130 CMR 506.002(B)(1)(a) through (c) is pregnant, the number of expected children.

Here, the appellant does not dispute that she resides in a household of three. Based on 2024 MassHealth Income Standards and Federal Poverty Guidelines, 133% of the federal poverty level equates to a monthly income of \$2862.00 for a household of one. See [chart at https://www.mass.gov/doc/2024-masshealth-income-standards-and-federal-poverty-guidelines-0/download](https://www.mass.gov/doc/2024-masshealth-income-standards-and-federal-poverty-guidelines-0/download).

MassHealth determines an applicant’s modified adjusted gross income (MAGI) by taking the countable income, which includes earned income as described in 130 CMR 506.003(A) and unearned income described in 130 CMR 506.003(B), less deductions described in 130 CMR 506.003(D). Specifically, 130 CMR 506.007 provides how the MAGI is calculated:

...Countable income includes earned income described in 130 CMR 506.003(A) and unearned income described in 130 CMR 506.003(B) less deductions described in 130 CMR 506.003(C). Income of all the household members forms the basis for establishing an individual’s eligibility. A

household's countable income is the sum of the MAGI-based income of every individual included in the individual's household with the exception of children and tax dependents who are not expected to be required to file a return as described in 42 CFR 435.603 and 130 CMR 506.004(K).

(A) Financial eligibility for coverage types that are determined using the MassHealth MAGI household rules and the MassHealth Disabled Adult household rules is determined by comparing the sum of all countable income less deductions for the individual's household as described at 130 CMR 506.002 with the applicable income standard for the specific coverage type. In determining monthly income, the MassHealth agency multiplies average weekly income by 4.333. Five percentage points of the current federal poverty level (FPL) is subtracted from the applicable household total countable income to determine eligibility of the individual under the coverage type with the highest income standard.

(B) The financial eligibility standards for each coverage type may be found in 130 CMR 505.000: *Health Care Reform: MassHealth: Coverage Types*.

(C) The monthly federal-poverty-level income standards are determined according to annual standards published in the *Federal Register* using the following formula. The MassHealth agency adjusts these standards annually.

(1) Divide the annual federal poverty-level income standard as it appears in the *Federal Register* by 12.

(2) Multiply the unrounded monthly income standard by the applicable federal-poverty-level standard.

(3) Round up to the next whole dollar to arrive at the monthly income standards.

(D) Safe Harbor Rule. The MassHealth agency will provide a safe harbor for individuals whose household income determined through MassHealth MAGI income rules results in financial ineligibility for MassHealth but whose household income determined through Health Connector income rules as described at 26 CFR 1.36B-1(e) is below 100 percent FPL. In such case, the individual's financial eligibility will be determined in accordance with Health Connector income rules.

(1) MassHealth uses current monthly income and the Health Connector uses projected annual income amounts.

(2) MassHealth MAGI household uses exceptions to tax household rules and the Health Connector uses the pure tax filing household.

(E) MAGI Protection for Individuals Receiving MassHealth Coverage on December 31, 2013. Notwithstanding the above, in the case of determining ongoing eligibility for individuals determined eligible for

MassHealth coverage to begin on or before December 31, 2013, application of the MassHealth MAGI Household Income Calculation methodologies as set forth in 130 CMR 506.007 will not be applied until March 31, 2014, or the next regularly scheduled annual renewal of eligibility for such individual under 130 CMR 502.007, whichever is later, if the application of such methodologies would result in a downgrade of benefits.

Per 130 CMR 506.003(A), countable income includes, in relevant part, “the total amount of taxable compensation received for work or services performed less pretax deductions. Earned income may include wages, salaries, tips, commissions, and bonuses.”

In this case, MassHealth determined, and the appellant agreed, that the appellant earns approximately \$3033.80 in gross monthly income. As that amount exceeds 133% of the federal poverty level based on the income standards for 2024, and the appellant has no health condition that would change her applicable income standard, the appellant is not financially eligible for MassHealth benefits beyond the Health Safety Net. I find that MassHealth did not err in issuing the June 7, 2024, notice denying the appellant’s application for benefits.<sup>1</sup>

For the foregoing reasons, the appeal is denied.

The appellant can direct any questions about Health Connector plans to 1-877-MA-ENROLL (1-877-623-6765), or inquiries concerning Health Safety Net to 877-910-2100

## **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.

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<sup>1</sup> The MassHealth representative reported that the appellant was deemed over income in June of 2023, but was placed on Transitional Medical Assistance (TMA) by order of the Board of Hearings pursuant to 130 CMR 505.002(L)(3). That extended eligibility protection allows for MassHealth Standard members who have children younger than 19 in the home to continue to receive their benefits for one year after the household income exceeds 133% of the federal poverty level. As this notice coincides with the ending of the appellant’s TMA, and there is no evidence that she is entitled to an extension of that TMA, the record also supports that the appellant’s MassHealth Standard benefits were properly downgraded.

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Mariah Burns  
Hearing Officer  
Board of Hearings

MassHealth Representative: Nga Tran, Charlestown MassHealth Enrollment Center, 529 Main Street, Suite 1M, Charlestown, MA 02129