

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2417645
<b>Decision Date:</b>	2/11/2025	<b>Hearing Date:</b>	12/17/2024
<b>Hearing Officer:</b>	Thomas Doyle	<b>Record Open to:</b>	N/A

**Appearance for Appellant:**  
Pro se

**Appearance for MassHealth:**  
Jaime Zalucki, Worcester MEC



*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>	Coverage Date; 65 or Over; MSP/QMB
<b>Decision Date:</b>	2/11/2025	<b>Hearing Date:</b>	12/17/2024
<b>MassHealth's Rep.:</b>	Jaime Zalucki	<b>Appellant's Rep.:</b>	Pro se
<b>Hearing Location:</b>	Worcester MassHealth Enrollment Center - Room 1/Teams video	<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 October 1, 2024, MassHealth approved the appellant's application for MassHealth benefits, Senior Buy In, Medicare Savings Program (MSP) Qualified Medicare Beneficiaries (QMB), effective November 1, 2024. (130 CMR 519.010; Ex. 1). Appellant filed this appeal in a timely manner on November 18, 2024 (130 CMR 610.015(B); Ex. 2). Imposition of a coverage date is a MassHealth action and is valid grounds for appeal (see 130 CMR 610.032(3)).

### Action Taken by MassHealth

MassHealth approved appellant's application for MassHealth benefits, Senior Buy In, Medicare Savings Program (MSP) Qualified Medicare Beneficiaries (QMB), effective November 1, 2024.

### Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 519.010, in approving appellant's application for MassHealth benefits, Senior Buy In, Medicare Savings Program (MSP)

Qualified Medicare Beneficiaries (QMB) with an effective date of November 1, 2024.

## Summary of Evidence

The MassHealth worker (worker) appeared at hearing via Teams video. Appellant appeared in person at the Worcester MassHealth Enrollment Center. The hearing began, both wore sworn and documents were marked as evidence. The worker testified appellant was appealing the start date of coverage. (Testimony). She stated appellant's application for Medicaid Savings Program (MSP) was received in September 2024. (Testimony). She stated MassHealth is not able to process the application until a member's Medicare coverage begins. She stated appellant's Medicare coverage Part A coverage did not begin until October 1, 2024, therefore MassHealth was not able to process appellant's application until October 2024. (Testimony). The worker testified appellant qualified under MSP for Qualified Member Beneficiary (QMB), formerly known as Senior Buy In. She stated this benefit does not allow for retroactive coverage. Therefore, the start date is November 1, 2024 because benefits always begin on the first of the month following when MassHealth processes the application.<sup>1</sup> (Testimony).

Appellant testified that she applied for MassHealth coverage in September 2024. She stated she understood that when MassHealth ended on her birthday, [REDACTED] 2024, Medicare Part B would begin. She stated she was told she was eligible but did not remember being told November 1, 2024 would be the start date of coverage. She testified she had cataract surgery on [REDACTED] 2024 but if she knew the start date was November 1, 2024, she would have waited another week to have the surgery, saying she had already waited a year and a half so as to have the insurance cover the surgery. (Testimony). Appellant was seeking a coverage begin date of October 20, 2024. (Ex. 2, p. 1).

## Findings of Fact

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

1. Appellant is an individual aged 65 or over. (Ex. 4).
2. MassHealth received an application for MassHealth benefits on September 8, 2024. (Testimony)
3. Appellant's application was processed in October 2024. (Testimony).

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<sup>1</sup> The regulation states "the begin date for MSP coverage is the first day of the calendar month following the date of the MassHealth eligibility determination." 130 CMR 519.010 (C ). I assume when the worker testifies about "processing" appellant's application, she means determining appellant's eligibility, which was done in October 2024.

4. On October 1, 2024, MassHealth determined that appellant was eligible for MassHealth Senior Buy In, Medicare Savings Program (MSP) Qualified Medicare Beneficiaries (QMB) with an effective date of November 1, 2024. (Testimony; Ex. 1)

## Analysis and Conclusions of Law

The program, for which appellant has been approved is governed by 130 CMR 519.010:

519.010: Medicare Savings Program (MSP) – Qualified Medicare Beneficiaries (QMB)

(A) Eligibility Requirements. MSP (Buy-in) QMB coverage is available to Medicare beneficiaries who

- (1) are entitled to hospital benefits under Medicare Part A;
- (2) have a countable income amount (including the income of the spouse with whom he or she lives) that is less than or equal to 190% of the federal poverty level;
- (3) Effective until February 29, 2024, have countable assets less than or equal to two times the amount of allowable assets for Medicare Savings Programs as identified by the Centers for Medicare and Medicaid Services. Each calendar year, the allowable asset limits shall be made available on MassHealth's website. Effective March 1, 2024, MassHealth will disregard all assets or resources when determining eligibility for MSP-only benefits; and
- (4) meet the universal requirements of MassHealth benefits in accordance with 130 CMR 503.000: Health Care Reform: MassHealth: Universal Eligibility Requirements or 130 CMR 517.000: MassHealth: Universal Eligibility Requirements, as applicable.

(B) Benefits. The MassHealth agency pays for Medicare Part A and Part B premiums and for deductibles and coinsurance under Medicare Parts A and B for members who establish eligibility for MSP coverage in accordance with 130 CMR 519.010(A).

**(C) Begin Date. The begin date for MSP coverage is the first day of the calendar month following the date of the MassHealth eligibility determination. (Emphasis added)**

Appellant has the burden "to demonstrate the invalidity of the administrative determination." Andrews v. Division of Medical Assistance, 68 Mass. App. Ct. 228 (2007). See also Fisch v. Board of Registration in Med., 437 Mass. 128, 131 (2002); Faith Assembly of God of S. Dennis & Hyannis, Inc. v. State Bldg. Code Commn., 11 Mass. App. Ct. 333, 334 (1981); Haverhill Mun. Hosp. v. Commissioner of the Div. of Med. Assistance, 45 Mass. App. Ct. 386, 390 (1998). In this appeal, on October 1, 2024, MassHealth determined that appellant was eligible for MassHealth

Senior Buy In, Medicare Savings Program (MSP) Qualified Medicare Beneficiaries (QMB) with an effective date of November 1, 2024. (Testimony; Ex. 1). The effective date of MassHealth's Senior Buy-In coverage is the first date of the calendar month following the date of the MassHealth eligibility determination. (130 CMR 519.010 (C)). Appellant's request for retroactive coverage during the pendency of MassHealth's eligibility determination process runs afoul of 130 CMR 519.010(C).

On this record, appellant cannot show the invalidity of this MassHealth determination which complies with the dictates established in 130 CMR 519.010. Therefore, appellant has not met her burden by a preponderance of evidence to show the invalidity of MassHealth's approval of the appellant's application, with a beginning date of November 1, 2024. Accordingly, this 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.

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Thomas Doyle  
Hearing Officer  
Board of Hearings

MassHealth Representative: Dori Mathieu, Springfield MassHealth Enrollment Center, 88 Industry Avenue, Springfield, MA 01104, 413-785-4186