

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2501245
Decision Date:	03/13/2025	Hearing Date:	February 25, 2025
Hearing Officer:	Brook Padgett		

Appellant Representative:



MassHealth Representative:

Kelly Souza



*Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
Board of Hearings
100 Hancock Street, 6th floor
Quincy, MA 02171*

APPEAL DECISION

Appeal Decision:	Denied	Issue:	Over 65 Eligibility 130 CMR 519.007
Decision Date:	03/13/2025	Hearing Date:	February 25, 2025
MassHealth Rep.:	K. Souza	Appellant Rep.:	Son
Hearing Location:	Taunton		

Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder.

Jurisdiction

The appellant received a notice dated January 14, 2025 stating: You are eligible for MassHealth Standard under the Home and Community Based Services Waiver which allows up to 300% of the SSI federal benefit rate. You are eligible for Waiver Services as of December 17, 2024; however MassHealth cannot pay for waiver services delivered before a Waiver Plan of Care is developed and approved for your specific services. (130 CMR 520.002, 520.028, 520.003, 530.004). (Exhibit 1).

The appellant filed this appeal timely on January 16, 2025. (130 CMR 610.015(B); Exhibit 2).

Approval date for assistance is valid grounds for appeal. (130 CMR 610.032).

Action Taken by MassHealth

The appellant was approved for MassHealth Standard beginning December 17, 2024.

Issue

Is the appellant eligible for MassHealth Standard prior to December 17, 2024?

Summary of Evidence

MassHealth testified the appellant applied for MassHealth benefits on December 19, 2024. At the time of application the appellant verified her income as \$2,245.15 (\$2,122.00 Social Security + \$123.15 pension). MassHealth stated to be eligible for MassHealth Standard an individual needs to be under \$1,255.00 (100% of the federal poverty level for a household of one) and have assets of less than \$2,000.00. The representative indicated MassHealth will allow eligibility for those with income over 100% of the federal poverty level if their income is below 300% of the federal benefit rate (\$3,765.00) and they have qualified for a Home and Community-Based Services Waiver (Frail Elder Waiver/FEW). MassHealth stated on December 17, 2024, the appellant was granted a FEW by Springwell and on January 08, 2025 the appellant provided a letter from [REDACTED] verifying her assets were below the \$2,000.00 asset limit. On January 24, 2025 MassHealth approved the appellant MassHealth Standard benefits beginning December 17, 2024 which is when the appellant verified she was approved for the FEW. MassHealth submitted into evidence: Springwell FEW approval letter dated December 17, 2024 (Exhibit 4) and [REDACTED] letter dated January 08, 2025. (Exhibit 5).

The appellant was represented by her son who argued he went to the Taunton office in June or July with all his mother's paperwork trying to get his mother some assistance for her medical bills. The appellant's representative stated that at the time he was told his mother could get benefits beginning three months prior to her applications. The representative stated he contacted MassHealth on another occasion and was told his mother had multiple bank accounts which he had to verify, but she could still obtain benefits retroactive to October, November and December. The representative stated he received the appellant's approval notice, but the benefits do not start until December 17, 2024. The representative maintained his mother continue to owe \$3,400.00 in co-pays and deductibles after [REDACTED] portion has been paid.

MassHealth responded that the appellant could not be approved for benefits until December 17, 2024 when she was approved for the FEW. MassHealth stated prior to the FEW approval the appellant remained over the 100% income limits, even though she was under the \$2,000.00 asset limits.

Findings of Fact

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

1. The appellant applied for MassHealth on December 19, 2024 and was approved for MassHealth Standard beginning December 17, 2024. (Testimony)
2. The appellant is over 65 years of age and a member of a household of one with gross monthly income of \$2,245.15 (\$2,122.00 Social Security + \$123.15 pension) per month. (Testimony)

3. 100% of the federal poverty level for a household of one is \$1,255.00.
4. 300% of the federal benefit rate for a family group size of one is \$3,765.00.
5. On December 17, 2024 the appellant was clinically approved for a FEW. (Exhibit 4).
6. On January 08, 2025 the appellant verified she was under the \$2,000.00 MassHealth asset limit. (Exhibit 5).

Analysis and Conclusions of Law

Regulations at 130 CMR 515.000 through 523.000 provide the requirements for MassHealth eligibility for non-institutionalized persons over age 65 (130 CMR 515.002). A non-institutionalized person age 65 and older may establish eligibility for MassHealth standard coverage if their countable income is less than or equal to 100% of the federal poverty level and the countable assets are \$2,000.00 or less for a single person (130 CMR 520.003(A)(1)). Currently 100% of the federal poverty level for a single person is \$1,255.00 per month (130 CMR 520.009) and 300% of the federal benefit rate for a family group size of one is \$3,765.00.

The appellant is single, over 65 years of age with assets below \$2,000.00 and gross monthly income of \$2,245.15 which exceeds 100%, but is less than 300% of the federal poverty level for a household of one.

On December 17, 2024 the appellant was clinically approved for a Frail Elder Waiver which allows eligibility for MassHealth to household's who have income above 100% and below 300% of the federal poverty level.¹ Although the appellant's representative may have been informed that the appellant had three months of potential retroactive eligibility, the appellant remained over the income limits for MassHealth Standard until she was determined eligible for the Frail Elder Waiver on December 17, 2024.

¹ 130 CMR 519.007: Individuals Who Would Be Institutionalized (B) Home and Community-Based Services Waiver (1) Clinical and Age Requirements. The Home- and Community-Based Services Waiver allows an applicant or member who is certified by the MassHealth agency or its agents to be in need of nursing-facility services to receive certain waiver services at home if he or she (a) is 60 years of age or older, and, if under age 65, is permanently and totally disabled in accordance with Title XVI standards; and (b) would be institutionalized in a nursing facility, unless he or she receives one or more of the services administered by the Executive Office of Elder Affairs under the Home- and Community-Based Services Waiver authorized under Section 1915(c) of the Social Security Act. (2) Eligibility Requirements. In determining eligibility for MassHealth Standard and for waiver services, the MassHealth agency counts the income and assets of only the applicant or member regardless of his or her marital status. The applicant or member must: (a) meet the requirements of 130 CMR 519.007(B)(1)(a) and (b); (b) **have a countable-income amount less than or equal to 300 percent of the federal benefit rate (FBR) for an individual**; and (c) **have countable assets of \$2,000 or less** and have not transferred resources for the sole purpose of obtaining MassHealth as described at 130 CMR 520.018 and 520.019 (*Emphasis added*).

The appellant was ineligible for MassHealth Standard benefits prior to her approval of a FEW on December 17, 2024. This appeal is therefore 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.

Brook Padgett
Hearing Officer
Board of Hearings

cc:

MassHealth representative: Taunton MEC

[REDACTED]