

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2507437
Decision Date:	7/11/2025	Hearing Date:	June 09, 2025
Hearing Officer:	Brook Padgett		

Appellant Representative:

Pro se

MassHealth Representative:

Sophia Beauport-Lafontant, Charlestown MEC



***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:	Medicare Savings Programs 130 CMR 519.010
Decision Date:	7/11/2025	Hearing Date:	June 09, 2025
MassHealth Rep.:	S. Beauport-Lafontant	Appellant Rep.:	Pro se
Hearing Location:	Charlestown MEC	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

The appellant received a notice dated April 28, 2025, stating: MassHealth is ending your coverage on May 12, 2025 because you have more countable income and assets than MassHealth benefits allow. 130 CMR 520.002, 520.003, 520.009, and 520.028. (Exhibit 1).

The appellant filed this appeal timely on March 09, 2025. (130 CMR 610.015(B) (Exhibit 2).

Termination of assistance is valid grounds for appeal. (130 CMR 610.032).

Action Taken by MassHealth

The appellant was terminated from MassHealth Senior Buy-In benefits.

Issue

Was the appellant's MassHealth eligibility properly determined?

Summary of Evidence

MassHealth testified the appellant is a member of a household of one with countable income of \$3,229.00 (Social Security \$1,313.00 + dividends \$1,340.97 + interest \$576.02) and countable assets of \$840,057.00 ([REDACTED] # [REDACTED] \$834,746.00 + [REDACTED] accounts # [REDACTED] \$265.00 + # [REDACTED] + \$1,455.00 + # [REDACTED] \$3,113.00 + # [REDACTED] \$478.00). MassHealth stated individuals can qualify for Medicare Savings Plan (MSP) only, or both an MSP and MassHealth. To receive MSP, an applicant must have countable income under the income limits (Qualified Medicare Beneficiary (QMB) income must be less than 190% FPL (\$2,478.00), Specified Low-Income Medicare Beneficiary (SLMB) income must be less than 210% FPL (\$2,740.50), and Qualifying Individual (QI) income must be less than 225% FPL (\$2,935.00)). To qualify for both MassHealth and Buy-In, a recipient must have countable income under the income limits (100% FPL), as well as assets below \$2,000.00. The representative stated the appellant was initially approved for the QMB program on April 01, 2025 until she was terminated on May 12, 2025 after it was determined she was over the income standard for the program. The appellant was then determined eligible for MassHealth Health Safety Net (HSN) coverage.

The appellant stated her Social Security income is correct but did not start until April, and her assets are not being calculated properly. The appellant argued her Merrill account is a trust which is not countable. The appellant maintained she does not have enough money to pay all her bills, and she has been forced to withdraw money out of her trust just to make ends meet. The appellant stated she was told by a senior care advisor that her trust was not a countable asset and that she would be able to qualify for MassHealth benefits to pay for personal care attendant services and medications.

MassHealth responded that the appellant has never submitted a copy of the trust to determine if the assets are countable. MassHealth stated if the appellant would like to submit a copy of her trust they would review it. The appellant stated she has submitted the trust on three occasions already. (Exhibit 4). MassHealth responded that the appellant has only submitted a Trust Certification form from [REDACTED] and has not submitted the actual trust document. The appellant maintained the trust certificate is the trust and that she has no other documentation.

Findings of Fact

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

1. The appellant is over 65 years of age. (Testimony).
2. The appellant is a member of a household of one with countable income of \$3,229.00. (Testimony).

3. The appellant is a member of a household of one with countable assets of \$840,057.00. (Testimony).

Analysis and Conclusions of Law

MSPs (formerly known as the MassHealth Senior Buy-In and Buy-In Programs) are programs that pay for some or all of Medicare beneficiaries' premiums, deductibles, copays, and co-insurance. In Massachusetts, MSPs are run by MassHealth. There are three different type of the MSPs:

- **Qualified Medicare Beneficiary (QMB)**, formerly MassHealth Senior Buy-in: MassHealth pays for the Medicare Part A premium, and the Medicare Part B premium and cost sharing (paying some of the costs of things like copays, deductibles, and/or premiums).
- **Specified Low-Income Medicare Beneficiary (SLMB)** and
- **Qualifying Individual (QI)**, formerly MassHealth Buy-In: MassHealth pays for the Medicare Part B premium under these two programs.

MSPs help lower the costs of Medicare insurance coverage. MSPs are always combined with Medicare and do not offer any additional coverage or services that Medicare does not provide. Some individuals may be able eligible for MSP only, or both an MSP and MassHealth.

Individuals over age 65, may qualify for MSP if they are a Medicare beneficiary; and their income is less than or equal to 190% of the FPL (\$2,478.00) for QMB, between 190% to 210% FPL (\$2,740.50) for SLMB and between 210% to 225% FPL (\$2,935.00) for QI¹. MassHealth disregards all assets

¹ 130 CMR 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 01, 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.

130 CMR 519.011: Medicare Savings Program (MSP) – Specified Low Income Medicare Beneficiaries and Qualifying Individuals

(A) **MSP (Buy-in) for Specified Low Income Medicare Beneficiaries (SLMB).** (1) Eligibility Requirements. MSP is available for Specified Low Income Beneficiaries who (a) are entitled to hospital benefits under Medicare Part A; (b) **have a countable income amount (including the income of the spouse with whom they live) greater than 190% and less than or equal to 210% of the federal poverty level.** MassHealth will disregard all assets or resources when determining eligibility for MSP only benefits; (c) 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

when determining eligibility for individuals who request MSP only. To be eligible for both MSP and MassHealth you must have income below 100% of the FPL (\$1,305.00) and have less than \$2,000.00 in assets for single applicants and \$3,000.00 for married couples.²

There is no dispute that the appellant is over the age of 65, and a member of a household of one with countable income of \$3,229.00. The appellant's income is over 100% of the FPL (\$1,305.00) for MassHealth eligibility as well as 225% of the FPL (\$2,935.00) standard for MSP eligibility.

Although the appellant has argued the assets contained in a [REDACTED] Account are non-countable trust, she has failed to present the trust for review and has acknowledged withdrawing funds to pay bills. Based on the current evidence, the appellant has countable assets of \$840,057.00 and is over the \$2,000.00 asset limit for MassHealth.

The appellant is a member of a household of one with countable income of \$3,229.00 and assets of \$840,057.00. Therefore, the appellant is ineligible for both MassHealth and the MSP program. This appeal is DENIED.

Order for MassHealth

None, other than to remove aid pending.

MassHealth's website.

(B) MSP for Qualifying Individuals (QI). (1) Eligibility Requirements. **MSP for Qualifying Individuals (QI) coverage** is available to Medicare beneficiaries who (a) are entitled to hospital benefits under Medicare Part A; **(b) have a countable income amount (including the income of the spouse with whom he or she lives) that is greater than 210% of the federal poverty level and less than or equal to 225% of the federal poverty level;** (c) 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 & Medicaid Services. Each calendar year, the allowable asset limits shall be made available on MassHealth's website. Effective March 01, 2024, MassHealth will disregard all assets or resources when determining eligibility for MSP-only benefits; and (d) 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. (*Emphasis added*).

² 130 CMR 519.005: Community Residents Aged 65 and Older (A) Eligibility Requirements Except as provided in 130 CMR 519.005(C), noninstitutionalized individuals aged 65 and older may establish eligibility for MassHealth Standard coverage provided they meet the following requirements: **(1) the countable-income amount, as defined in 130 CMR 520.009, of the individual or couple is less than or equal to 100 percent of the federal poverty level; and (2) the countable assets of an individual are \$2,000 or less, and those of a married couple living together are \$3,000 or less.** (*Emphasis added*).

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: Charlestown MEC