

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Approved; Remanded	Appeal Number:	2508786
Decision Date:	9/3/2025	Hearing Date:	July 23, 2025
Hearing Officer:	Stanley Kallianidis	Aid Pending:	No

Appellant Representative:




MassHealth Representatives:

Courtney Juday, Springfield MEC
Gladys Pacheco, Premium Assistance



*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:	Approved; Remanded	Issue:	Premium Assistance; Eligibility
Decision Date:	9/3/2025	Hearing Date:	July 23, 2025
MassHealth Reps.:	Courtney Juday, Springfield MEC Gladys Pacheco, Premium Assistance	Appellant Rep:	
Hearing Location:	Telephonically with Springfield MEC and Premium Assistance		

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 notices dated May 21, 2025 stating that he was eligible for MassHealth Standard under the Home and Community Based Waiver, but that he was no longer eligible for Premium Assistance payments (Exhibit 1). The appellant filed an appeal timely on June 25, 2025 on the Premium Assistance termination (Exhibit 2). The termination of benefits is valid grounds for appeal (130 CMR 610.032).

Notice of the hearing was sent to the parties on June 27, 2025 (Exhibit 3).

The Board of Hearings rescinded a dismissal of the appeal following receipt of proof of guardianship of the appellant (Exhibit 4).

Action Taken by MassHealth

MassHealth stopped the appellant's Premium Assistance payments.

Issue

In accordance with 130 CMR 130 CMR 506.012, was MassHealth correct in determining that Premium Assistance payments are not available to the appellant based upon his coverage type?

Summary of Evidence

The MassHealth MEC representative testified that the appellant applied for MassHealth on January 26, 2025. The appellant is an adult male who is disabled and had previously been receiving SSI. The SSI termination was a result of his receiving Social Security Disabled Adult Child benefits in the amount of \$1,936.00 monthly. This exceeded the MassHealth Standard income guidelines. However, based upon his income and disability, the appellant was nonetheless determined to be eligible for MassHealth Standard under the Home and Community Based Waiver which allows income up to 300% of the federal benefit level. The appellant was determined to be eligible for Waiver Services as of August 21, 2023 (Exhibit 1).

The MassHealth Premium Assistance representative explained that the appellant was determined to be eligible for the Home and Community Based Waiver under 130 CMR 519.007(B). She acknowledged that he is also a Disabled Adult Child under 130 CMR 519.004 because he lost his SSI benefits due to an increase or entitlement in a child's Social Security benefits. She further explained that, in accordance with 130 CMR 506.012, the appellant is not eligible for Premium Assistance under either or these coverage types. Accordingly, MassHealth stopped the appellant's Premium Assistance payments.

The appellant's mother and guardian testified that the appellant received an increase in his Social Security benefits after his father retired. She stated that he continues to be eligible for MassHealth Standard as a Disabled Adult Child under Section 1634 of the Social Security Act. She argued that given the appellant's continued eligibility for MassHealth Standard, he should not lose his Premium Assistance benefits. She submitted into the record a copy of Section 1634 of the Social Security Act as well as additional information on the law (Exhibit 5).

Findings of Fact

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

1. The appellant received notices dated May 21, 2025 stating that he was eligible for MassHealth Standard under the Home and Community Based Waiver, but that he was no longer eligible for Premium Assistance payments (Exhibit 1).
2. The appellant is also an adult male who is disabled and had previously been receiving SSI. The SSI termination was a result of his receiving increased Social Security Disabled Adult Child

benefits following the retirement of his father (testimony).

3. The appellant is a Disabled Adult Child under Section 1634 of the Social Security Act (testimony).

Analysis and Conclusions of Law

130 CMR 519.004: Disabled Adult Children (A) Eligibility Requirements. Individuals who lose eligibility for Supplemental Security Income (SSI) benefits may retain eligibility for MassHealth Standard provided that they (1) are [REDACTED] or older; (2) became blind or disabled before attaining the age of 22; (3) receive or received SSI based on their blindness or disability; (4) received an increase in child's insurance benefits under section 202(d) of the Social Security Act, or became entitled to those benefits on the basis of blindness or disability, on or after July 1, 1987; (5) lose or lost SSI as a result of this entitlement or increase in child's insurance benefits under section 202(d) of the Social Security Act; and (6) would still be eligible for SSI in the absence of such RSDI benefits or increase in benefits.

130 CMR 519.007(B) Home- and Community-based Services Waiver—Frail Elder. (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 agent to be in need of nursing-facility services to receive certain waiver services at home if they (a) are [REDACTED] of age or older and, if younger than [REDACTED] 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-Frail Elder 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 determines income eligibility based solely on the applicant's or member's income regardless of their 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% of the federal benefit rate (FBR) for an individual; and (c) have countable assets of \$2,000 for an individual and, for a married couple if the initial Waiver eligibility determination was on or after January 1, 2014, have assets that are less than or equal to the standards at 130 CMR 520.016(B): Treatment of a Married Couple's Assets When One Spouse Is Institutionalized; and (d) have not transferred resources for less than fair market value, as described at 130 CMR 520.018: Transfer of Resources Regardless of the Transfer Date and 520.019: Transfer of Resources Occurring on or After August 11, 1993.

130 CMR 506.012: Premium Assistance Payments (A) Coverage Types. Premium assistance payments are available to MassHealth members who are eligible for the following coverage types:

- (1) MassHealth Standard, as described in 130 CMR 505.002: MassHealth Standard, with the exception of those individuals described in 130 CMR 505.002(F)(1)(d);

(2) MassHealth Standard for Kaileigh Mulligan, as described in 130 CMR 519.007: Individuals Who Would Be Institutionalized;

(3) MassHealth CommonHealth, as described in 130 CMR 505.004: MassHealth CommonHealth;

(4) MassHealth CarePlus, as described in 130 CMR 505.008: MassHealth CarePlus;

(5) MassHealth Family Assistance for HIV-positive adults and HIV-positive young adults, as described in 130 CMR 505.005(E): Eligibility Requirements for HIV-Positive Individuals Who Are Citizens or Qualified Noncitizens with Modified Adjusted Gross Income of the MassHealth MAGI Household Greater than 133 and less than or Equal to 200% of the Federal Poverty Level;

(6) MassHealth Family Assistance for disabled adults whose Disabled Adult MassHealth household income is at or below 100% of the FPL and who are qualified noncitizens barred, nonqualified individuals lawfully present, and nonqualified PRUCOLs, as described in 130 CMR 505.005(C): Eligibility Requirements for Children and Young Adults Who Are Nonqualified PRUCOLs with Modified Adjusted Gross Income of the MassHealth MAGI Household at or below 150% of the Federal Poverty Level;

(7) MassHealth Family Assistance for children younger than [REDACTED] and young adults [REDACTED] whose household MAGI is at or below 150% of the FPL and who are nonqualified PRUCOLs, as described in 130 CMR 505.005(C): Eligibility Requirements for Children and Young Adults Who Are Nonqualified PRUCOLs with Modified Adjusted Gross Income of the MassHealth MAGI Household at or below 150% of the Federal Poverty Level; and

(8) MassHealth Family Assistance for children younger than [REDACTED] whose household MAGI is between 150% and 300% of the FPL and who are citizens, protected noncitizens, qualified noncitizens barred, nonqualified individuals lawfully present, and nonqualified PRUCOLs, as described in 130 CMR 505.005(C): Eligibility Requirements for Children and Young Adults Who Are Nonqualified PRUCOLs with Modified Adjusted Gross Income of the MassHealth MAGI Household at or below 150% of the Federal Poverty Level.

130 CMR 505.002(E): Disabled Individuals. (1) Disabled Adults. A disabled adult [REDACTED] years old or a disabled young adult [REDACTED] years old who does not meet the requirements described at 130 CMR 505.002(B)(3)(a)1. is eligible for MassHealth Standard coverage if they meet the following requirements: (a) the individual is permanently and totally disabled as defined in 130 CMR 501.001: Definition of Terms; (b) the modified adjusted gross income of the MassHealth Disabled Adult household as described in 130 CMR 506.002(C): MassHealth Disabled Adult Household is less than or equal to 133% of the federal poverty level (FPL), or the individual is eligible under section 1634 of the Social Security Act (42 U.S.C. § 1383c) as a disabled adult child or as a disabled widow or widower, or is eligible under the provisions of the Pickle Amendment as described at 130 CMR 519.003: Pickle Amendment Cases;

In this case, the appellant is appealing against the termination of his Premium Assistance payments. I have found that the appellant is also an adult male who is disabled and had previously been receiving SSI. The SSI termination was a result of his receiving increased Social Security Disabled Adult Child benefits. Therefore, in addition to being eligible for MassHealth Standard under 130 CMR 519.007 through the Home and Community Based Waiver, he is also eligible for MassHealth Standard under 130 CMR 519.004 as a Disabled Adult Child and also under Section 1634 of the Social Security Act as 130 CMR 519.004 contains language that is identical to Section 1634 of the Social Security Act.

While 130 CMR 519.004 is not specifically mentioned under 130 CMR 506.012: Premium Assistance Payments, the regulation does specify that Premium Assistance payments are available to MassHealth Standard members as described in 130 CMR 505.002. Disabled individuals such as the appellant eligible under section 1634 of the Social Security Act as a disabled adult child are covered under 130 CMR 505.002(E) as cited above. Also cited above, an individual receiving MassHealth Standard under 130 CMR 505.002 is eligible for premium assistance payments under 130 CMR 506.012 (A).

Therefore, the appeal is approved as appellant is eligible for Premium Assistance payments as a Disabled Adult Child receiving MassHealth Standard.

Order for MassHealth

Re-investigate the appellant for Premium Assistance benefits as the appellant potentially qualifies for such benefits under 130 CMR 505.002.

Implementation of this Decision

If this decision is not implemented 30 days after the date of this notice, you should contact your local office. If you experience problems with the implementation of this decision, you should report this in writing to the Director of the Board of Hearings, MassHealth, at the address on the first page of this decision.

Stanley Kallianidis
Hearing Officer
Board of Hearings

cc:

Springfield MEC

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