

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2512815
<b>Decision Date:</b>	10/07/2025	<b>Hearing Date:</b>	10/02/2025
<b>Hearing Officer:</b>	Thomas J. Goode		

**Appearance for Appellant:**



**Appearance for MassHealth:**

Lashaun Kelley, Quincy MEC

**Interpreter:**



*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>	Community Eligibility-under 65-Income
<b>Decision Date:</b>	10/07/2025	<b>Hearing Date:</b>	10/02/2025
<b>MassHealth's Rep.:</b>	Lashaun Kelley	<b>Appellant's Rep.:</b>	[REDACTED]
<b>Hearing Location:</b>	Quincy	<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 August 15, 2025, MassHealth informed Appellant that he is no longer eligible for a Medicare Savings Program plan because countable income is over the limit and, effective September 1, 2025, MassHealth will no longer pay the Medicare premium (130 CMR 505.001, 505.004(L) and Exhibit 1). Appellant filed this appeal in a timely manner on September 2, 2025 (130 CMR 610.015(B) and Exhibit 2). Notice of a change in the scope of assistance is valid grounds for appeal (130 CMR 610.032).

### Action Taken by MassHealth

Through a notice dated August 15, 2025, MassHealth informed Appellant that he is no longer eligible for a Medicare Savings Program plan because countable income is over the limit and, effective September 1, 2025, MassHealth will no longer pay the Medicare premium.

### Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 505.001, 505.004(L) in determining that Appellant is no longer eligible for a Medicare Savings Program because countable

income is over the limit.

## Summary of Evidence

The MassHealth representative testified that Appellant is under 65 years of age, disabled, and has been receiving CommonHealth coverage since July 18, 2023. Appellant currently has a \$62.40 monthly premium. Appellant had received MassHealth Standard coverage with a Medicare Savings Program (MSP) that closed on August 11, 2023. Because Appellant's household income exceeds program limits for a Medicare Savings Program, payment of the Medicare premium terminated. Appellant reported to MassHealth a household size of two including his spouse. MassHealth records show monthly income of \$4,038.62 consisting of \$2,060.62 from the spouse's earned income, and Appellant's \$1,978 Social Security Disability Income. MassHealth determined that income exceeded MSP program limits and ended MSP coverage on September 2, 2025. Appellant remains CommonHealth eligible. At the hearing, Appellant reported that he claims 2 of his 3 children as tax dependents, one of whom is disabled and receives \$80 Social Security per month. MassHealth updated Appellant's household to a household size of 4.<sup>1</sup> Appellant provided paystubs for his spouse's income that show monthly earned income of \$1,993.92<sup>2</sup> which combined with Appellant's \$1,978 SSDI equals monthly household income of \$3,971.92.<sup>3</sup> MassHealth testified that household income equates to 143% of the federal poverty level for a household size of 4, which exceeds 135% (\$3,618) of the federal poverty level for a household size of 4. Therefore, Appellant is not eligible for a Medicare Savings Program.<sup>4</sup>

Appellant testified that he would like to enroll in a Medicare Savings Program to cover the monthly cost of the Medicare premium.

## Findings of Fact

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

1. Appellant is under 65 years of age, disabled, and has been receiving CommonHealth coverage since July 18, 2023.
2. Appellant currently has a \$62.40 monthly CommonHealth premium which was reduced to

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<sup>1</sup> Appellant's 3rd child is not claimed as a tax dependent and has a separate MassHealth profile as a separate household.

<sup>2</sup> The two paystubs presented show bi-weekly gross income of \$911.54 and \$928.72 which MassHealth combined and divided by 4 to average weekly income of \$460.06, multiplied by 4.333 for average monthly income of \$1,993.

<sup>3</sup> In calculating household income, MassHealth did not include in household income \$80 Social Security income received by Appellant's tax dependent (Exhibit 5).

<sup>4</sup> The calculation of Appellant's monthly CommonHealth premium is not a subject of the current appeal; however, based on income and household size adjustments, MassHealth testified that the premium was reduced to \$36.40 per month.

\$36.40.

3. Appellant had received MassHealth Standard coverage with a Medicare Savings Program (MSP) that closed on August 11, 2023.
4. Appellant reported to MassHealth a household size of two including his spouse.
5. MassHealth records showed monthly income of \$4,038.62 consisting of \$2,060.62 from the spouse's earned income, and Appellant's \$1,978 Social Security Disability Income.
6. Appellant reported at the hearing that he claims 2 of his 3 adult children as tax dependents, one of whom is disabled and receives \$80 Social Security per month. MassHealth updated Appellant's household to a household size of 4.
7. MassHealth calculated Appellant's spouse's current monthly earned income to equal \$1,993.92 and combined with Appellant's \$1,978 SSDI, monthly household income totals \$3,971.92.
8. For MassHealth eligibility purposes, household income equates to 143% of the federal poverty level for a household size of 4.
9. 100% of the federal poverty level for a household size of 4 is \$2,680; 135% of the federal poverty level for a household size of 4 is \$3,618.

## **Analysis and Conclusions of Law**

MassHealth provides access to healthcare by determining eligibility for the coverage type that provides the most comprehensive benefits. (130 CMR 501.003(A)). MassHealth offers several coverage types. (130 CMR 501.003(B)). The coverage type for which an individual is eligible is based on their income and circumstances. (130 CMR 515.003(B)).

Regulation 130 CMR 505.000 explains the categorical requirements and financial standards that must be met to qualify for a MassHealth coverage type (130 CMR 505.001). As described in 130 CMR 505.001, the MassHealth coverage types are as follows:

- (1) MassHealth Standard – for people who are pregnant, 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 (DMH) members, and medically frail as such term is defined in 130 CMR 505.008(F);
- (2) MassHealth CommonHealth – for disabled adults, disabled young adults, and disabled children who are not eligible for MassHealth Standard;

- (3) MassHealth CarePlus – for adults 21 through 64 years of age who are not eligible for MassHealth Standard;
- (4) MassHealth Family Assistance – for children, young adults, certain noncitizens, and persons who are HIV positive who are not eligible for MassHealth Standard, MassHealth CommonHealth, or MassHealth CarePlus;
- (5) MassHealth Limited – for certain lawfully present immigrants as described in 130 CMR 504.003(A): Lawfully Present Immigrants, nonqualified PRUCOLs, and other noncitizens as described in 130 CMR 504.003: Immigrants; and
- (6) MassHealth Medicare Savings Programs (MSP, also called Senior Buy-in and Buy-in) – for certain Medicare beneficiaries

505.007: Medicare Savings Program (MSP, also called Buy-in)

Medicare Savings Program coverage is available to Medicare beneficiaries in accordance with 130 CMR 519.010: *Medicare Savings Program (MSP) – for Qualified Medicare Beneficiaries (QMB)* and 130 CMR 519.011: *Medicare Savings Program (MSP) – Specified Low Income Medicare Beneficiaries and Qualifying Individuals*. MassHealth Standard members receive this benefit under 130 CMR 505.002(O). MassHealth CommonHealth members receive this benefit in accordance with 130 CMR 505.004(L).

130 CMR 505.004(L) Medicare Premium Payment

(1) The MassHealth agency, in accordance with the Medicare Savings Program as described in 130 CMR 519: *Medicare Savings Program (MSP) – Qualified Medicare Beneficiaries (QMB)* and 519.011: *Medicare Saving Program (MSP) – Specified Low Income Medicare Beneficiaries and Qualifying Individuals* also pays the cost of the monthly Medicare Part B premium on behalf of members who meet the requirements of 130 CMR 505.004 and who have modified adjusted gross income of the MassHealth Disabled Adult household that is less than or equal to 135% of the FPL.

(2) The coverage described in 130 CMR 505.004(L)(1) begins on the first day of the month following the date of the MassHealth eligibility determination and may be retroactive up to three months prior to the date the application was received by MassHealth.

Appellant is under 65 years of age, disabled, and has been receiving CommonHealth coverage since July 18, 2023. Appellant reported that he claims 2 of his 3 adult children as tax dependents, one of whom is disabled and receives \$80 Social Security per month. MassHealth updated Appellant's household size to 4. The rules at 130 CMR 506.003 and 506.004, describing countable income and noncountable income, apply to both MassHealth MAGI households and MassHealth Disabled Adult households. Pursuant to 130 CMR 506.003, countable household

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. Appellant did not testify to or document any of the allowable expenses under 506.003(D)<sup>5</sup>; however, Appellant can update changes in income and applicable expenses to MassHealth at any time. Income of all household members forms the basis for establishing an individual's eligibility (130 CMR 506.007).<sup>6</sup> In determining monthly income for MassHealth purposes, the MassHealth agency multiplies average weekly income by 4.333 (130 CMR 506.007(A)(2)(c)). Five percentage points of the current federal poverty level (FPL) is subtracted from the applicable household total countable income to determine the eligibility of the individual under the coverage type with the highest income standard (130 CMR 506.007(A)(3)). MassHealth correctly calculated Appellant's spouse's earned income pursuant to 130 CMR 506.007(A)(2)(c) and updated monthly household income to \$3,971 (\$1,993 + \$1,978) which places household income at 143% of the federal poverty level ( $\$3,971 - \$134^7 = \$3,837$ ) ( $\$3,837 \div \$2,680 = 143\%$ ).<sup>8</sup> Pursuant to 130 CMR 505.004(L) outlined above, eligibility for payment of the cost of the monthly Medicare Part B premium on behalf of members who meet the requirements of 130 CMR 505.004 (CommonHealth) is limited to members who have modified adjusted gross income of the MassHealth Disabled Adult household that is less than or equal to 135% of the FPL (\$3,618 for a household size of 4). Because income exceeds this mark, the appeal is DENIED.

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<sup>5</sup> See 130 CMR 506.003(D) Deductions. Under federal law, the following deductions are allowed when calculating MAGI countable income. Changes to federal law may impact the availability of these deductions:

- (1) educator expenses;
- (2) reservist/performance artist/fee-based government official expenses;
- (3) health savings account;
- (4) moving expenses, for the amount and populations allowed under federal law;
- (5) one-half self-employment tax;
- (6) self-employment retirement account;
- (7) penalty on early withdrawal of savings;
- (8) alimony paid to a former spouse for individuals with alimony agreements finalized on or before December 31, 2018. Alimony payments under separation or divorce agreements finalized after December 31, 2018, or pre-existing agreements modified after December 31, 2018, are not deductible;
- (9) individual retirement account (IRA);
- (10) student loan interest;
- (11) scholarships, awards, or fellowships used solely for educational purposes; and
- (12) other deductions described in the Tax Cut and Jobs Act of 2017, Public Law 115-97 for as long as those deductions are in effect under federal law.

<sup>6</sup> See fn. 3. The MassHealth calculation of income is not changed in this hearing decision.

<sup>7</sup> 5% of \$2,680.

<sup>8</sup> See fn. 2.

## **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 J. Goode  
Hearing Officer  
Board of Hearings

MassHealth Representative: Quincy MEC, Attn: Appeals Coordinator, 100 Hancock Street, 6th Floor, Quincy, MA 02171