

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2513719
Decision Date:	12/12/2025	Hearing Date:	10/07/2025
Hearing Officer:	Marc Tonaszuck		

Appearance for Appellant:
Pro se

Appearance for MassHealth:
Jonathan Gonzalez



*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

Appeal Decision:	Denied	Issue:	Medicare Savings Plans
Decision Date:	12/12/2025	Hearing Date:	10/07/2025
MassHealth's Rep.:	Jonathan Gonzalez	Appellant's Rep.:	Pro se
Hearing Location:	Charlestown MassHealth Enrollment Center	Aid Pending:	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 08/25/2025, MassHealth informed the appellant he was approved for MassHealth Medicare Savings Plan (MSP), Qualified Medicare Beneficiary (QMB), with a benefit effective date of 09/01/2025 (Exhibit 1). The appellant filed this appeal timely on 09/19/2025 (130 CMR 610.015(B); Exhibit 2). Individual MassHealth agency determinations regarding scope and amount of assistance (including, but not limited to, level-of-care determinations); are valid grounds for appeal (130 CMR 610.032).

Action Taken by MassHealth

MassHealth determined that the appellant is eligible for MassHealth Medicare Savings Plan (MSP), Qualified Medicare Beneficiary (QMB) with a benefit effective date of 09/01/2025.

Issue

Did MassHealth correctly determine the appellant's benefit effective date for MassHealth Medicare Savings Plan (MSP), Qualified Medicare Beneficiary (QMB) benefits?

Summary of Evidence

The MassHealth representative from the MassHealth Enrollment Center testified that the appellant is living in the community, and he is over 65 years of age. Prior to the events that gave rise to this appeal, the appellant received MassHealth MSP benefits until the benefits terminated in May 2025. On 08/15/2025, MassHealth received from the appellant a new application for MassHealth Medicare Savings Plan (MSP) benefits. His application was approved for Qualified Medicare Beneficiary (QMB) benefits, starting on 09/01/2025.

The appellant appeared at the fair hearing and testified telephonically that he wants his QMB benefits to be made retroactive to 07/01/2025, because he received medical care that month when he had no MassHealth benefits. Specifically, the appellant received cataract surgery on 07/07/2025, for which he received a bill of \$67.49 co-payment. The appellant also testified that he did not know how to reapply for benefits after they terminated.

Findings of Fact

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

1. The appellant is over the age of 65 and he lives in the community (Testimony).
2. Prior to the events that gave rise to this appeal, the appellant received MassHealth MSP benefits until the benefits terminated in May 2025.
3. On 08/15/2025, MassHealth received a new application from the appellant for MassHealth Medicare Savings Plan (MSP) benefits. His application was approved for Qualified Medicare Beneficiary (QMB) benefits, starting on 09/01/2025.
4. On 09/19/2025, the appellant filed a timely appeal to the Board of Hearings, seeking an earlier start date for his benefits to cover medical expenses incurred during July 2025.
5. A fair hearing took place before the Board of Hearings on 10/07/2025. All parties attended telephonically (Exhibit 3).

Analysis and Conclusions of Law

Regulations at 130 CMR 519.010, Medicare Savings Program (MSP) –Qualified Medicare Beneficiaries (QMB), states:

- (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) are applying for only MSP benefits and not full Medicaid, and 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) 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; 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.)

The appellant is over the age of 65 and he lives in the community. He was previously receiving MassHealth MSP benefits until they were terminated in May 2025. In August 2025, the appellant submitted a new application for MassHealth benefits. He was approved for MSP QMB with an approval date of 09/01/2025

The appellant does not dispute MassHealth's determination that he is eligible for MSP QMB; however, he seeks to have the benefits be made retroactive to 07/01/2025 to cover his health expenses he incurred during that time.

MassHealth correctly determined the effective date of the appellant's MSP QMB benefits. There was no dispute as to the date MassHealth ultimately received the application from the appellant – 08/25/2025. In accordance with the above regulations, MassHealth made the benefits effective on 09/01/2025. Pursuant to the MassHealth regulation above, the appellant's start date for MSP coverage is the first day of the calendar month following the date of the MassHealth eligibility determination. He was determined to be eligible for benefits on 08/25/2025 and his benefits started on 09/01/2025. MassHealth's decision to start the appellant's MSP benefits on 09/01/2025 is supported by the evidence in the hearing record, as well as MassHealth's regulations. 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.

Marc Tonaszuck
Hearing Officer
Board of Hearings

MassHealth Representative: Monica Ramirez, Charlestown MassHealth Enrollment Center, 529 Main Street, Suite 1M, Charlestown, MA 02129