

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2513734
Decision Date:	10/17/2025	Hearing Date:	10/07/2025
Hearing Officer:	Thomas J. Goode		

Appearance for Appellant:



Appearance for MassHealth:

Tiffany Altman, Tewksbury MEC



*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:	Community Eligibility-Over 65-Income
Decision Date:	10/17/2025	Hearing Date:	10/07/2025
MassHealth's Rep.:	Tiffany Altman	Appellant's Rep.:	██████
Hearing Location:	Remote	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 September 19, 2025, MassHealth denied Appellant's application for a Medicare Savings Plan because MassHealth determined that income exceeds program limits (130 CMR 519.011 and Exhibit 1). Appellant filed this appeal in a timely manner on September 19, 2025 (130 CMR 610.015(B) and Exhibit 2). Denial of assistance is valid grounds for appeal (130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied Appellant's application for a Medicare Savings Plan because MassHealth determined that income exceeds MSP program limits.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 519.011, in determining that Appellant's income exceeds MSP program limits.

Summary of Evidence

The MassHealth representative testified that Appellant completed a Medicare Savings Plan (MSP) renewal application by telephone on August 26, 2025. On September 19, 2025, MassHealth issued a notice informing Appellant that her income exceeded MSP program limits. Appellant is a household size of one person over the age of 65 and living in the community. MassHealth records show that Appellant is disabled. MassHealth testified that Appellant has not completed an application for comprehensive MassHealth coverage and would likely be eligible for CommonHealth coverage if she was employed 40 hours per month; however, Appellant applied for MSP only. Appellant's gross income consists of \$2,166 Social Security income, and two pensions that generate \$272.69 and \$564.24 per month. Appellant's total gross income is \$3,002.93. MassHealth testified that Appellant's income equates to 228% of the federal poverty level, which exceeds the 225% income limit for a Medicare Savings Plan.

Appellant testified that her income and household size are correctly recorded by MassHealth. Appellant testified that she would consider applying for comprehensive MassHealth coverage and that she has Blue Cross supplemental coverage and needs coverage for the premium.

Findings of Fact

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

1. Appellant completed a Medicare Savings Plan (MSP) renewal application by telephone on August 26, 2025. On September 19, 2025, MassHealth issued a notice informing Appellant that her income exceeded MSP program limits.
2. Appellant is a household size of one person over the age of 65 living in the community.
3. Appellant is disabled and a Medicare beneficiary.
4. Appellant has not completed an application for comprehensive MassHealth coverage.
5. Appellant's gross income consists of \$2,166 Social Security income, and two pensions that generate \$272.69 and \$564.24 per month. Appellant's total gross countable income is \$3,002.93.
6. For a household size of one person: 100% of the federal poverty level is \$1,305; 225% is \$2,935.

Analysis and Conclusions of Law

MassHealth administers and is responsible for the delivery of healthcare benefits to MassHealth members (130 CMR 515.002). Eligibility for MassHealth benefits differs depending on an applicant's age. Regulations 130 CMR 515.000 through 522.000 provide the requirements for non-institutionalized persons aged 65 or older, institutionalized persons of any age, persons who would be institutionalized without community-based services, and certain Medicare beneficiaries (130 CMR 515.002(B)). The MassHealth agency determines eligibility for the most comprehensive coverage available to an applicant, although an applicant has the right to choose to have eligibility determined only for Medicare Savings Plan (MSP) for Qualified Medicare Beneficiaries (QMB) or MSP for Specified Low Income Medicare Beneficiaries (SLMB) and Qualifying Individuals (QI) coverage. If no choice is made by the applicant, the MassHealth agency determines eligibility for all available coverage types (130 CMR 519.001(C)).

Pursuant to 130 CMR 519.005(A), an individual meets the requirements of MassHealth Standard coverage if:

- (1) the countable-income amount, as defined in 130 CMR 520.009: *Countable-Income Amount*, 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.

An individual's countable income amount refers to gross earned and unearned income¹ less certain business expenses and standard income deductions (130 CMR 520.009). MassHealth allows a \$20 deduction per individual or couple from the member's total gross unearned income (130 CMR 520.013(A)).

Appellant is a household size of one disabled person living in the community who is over 65 years age. Appellant submitted a Medicare Savings Plan (MSP) renewal application which was denied by MassHealth by notice dated September 19, 2025 (Exhibit 1). Appellant's gross income consists of \$2,166 Social Security income, and two pensions that generate \$272.69 and \$564.24 per month. Appellant's total monthly gross countable unearned income is \$3,002.93, which is reduced by a \$20 deduction to equal \$2,982.93. Appellant's countable income equates to 228.57% of the federal poverty level.² Therefore, Appellant is not eligible for Standard coverage or CommonHealth.³

¹ Unearned income includes, but is not limited to, social security benefits, railroad retirement benefits, pensions, annuities, federal veterans' benefits, rental income, interest, and dividend income. See 130 CMR 520.009(D).

² $\$2,982.93/\$1,305 \times 100 = 228.57\%$.

³ The income limit for MassHealth Standard is 100% of the federal poverty level which is \$1,305.00 per month for a household of one disabled person 65 years of age or older living in the community. See 130 CMR 519.005(A)(1). Appellant is not eligible for MassHealth Standard coverage due to income; however, she may be eligible for

An individual who is not eligible for MassHealth Standard or CommonHealth may still be eligible to have MassHealth pay the individual's Medicare premium if they qualify for an MSP. MassHealth offers three MSP types: Qualified Medicare Beneficiaries (QMB), Specified Low-Income Medicare Beneficiaries (SLMB), and Qualifying Individuals (QI). See 130 CMR 519.001(B); 130 CMR 519.010; 130 CMR 519.011. In pertinent part, the regulations state that MSP 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..." See 130 CMR 519.010(A). MSP SLMB 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 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..." See 130 CMR 519.011(A). MSP QI is available for 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..." See 130 CMR 519.011(B). The MassHealth agency pays the entire Medicare Part B premium, in accordance with section 1933 of the Social Security Act (42 U.S.C. § 1396u-3), for members who establish eligibility for MSP for QI coverage in accordance with 130 CMR 519.011(B). A Medicare beneficiary qualifies for MSP QI if countable income is greater than 210% of the FPL and less than or equal to 225% of the FPL. See 130 CMR 519.011(B)(1)(b). As such, the income limit for MSP QI is set at \$2,935.00 per month for a household of one, and Appellant's countable income exceeds this amount, and exceeds the limits for Medicare Savings Plans.⁴ Because Appellant's income exceeds MSP program limits, the appeal must be 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

CommonHealth as a working disabled individual if she chooses to submit a comprehensive MassHealth application and evidence of employment 40 hours per month which was discussed at the hearing. See 130 CMR 519.012(A). However, for CommonHealth members, MassHealth pays the cost of the monthly Medicare Part B premium through the Qualifying Individual program under 130 CMR 519.011(B) on behalf of members who meet the requirements of 130 CMR 505.004: *MassHealth CommonHealth* who have modified adjusted gross income of the MassHealth Disabled Adult household that is less than or equal to 135% of the FPL. Appellant's income exceeds this mark. See 130 CMR 519.012(D).

⁴ See <https://www.mass.gov/doc/2025-masshealth-income-standards-and-federal-poverty-guidelines>.

Court for the county where you reside, or Suffolk County Superior Court, within 30 days of your receipt of this decision.

Thomas J. Goode
Hearing Officer
Board of Hearings

MassHealth Representative: Sylvia Tiar, Tewksbury MassHealth Enrollment Center, 367 East Street, Tewksbury, MA 01876-1957