



Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
www.mass.gov/masshealth



MassHealth
Eligibility Letter 210
July 15, 2013

TO: MassHealth Staff

FROM: Kristin Thorn, Acting Medicaid Director

RE: **Revisions to Regulations about Asset Limits for MassHealth Senior Buy-In and MassHealth Buy-In Applicants and Members**

MassHealth is revising the regulations about the asset limit for MassHealth Senior Buy-In and MassHealth Buy-In applicants and members. The Medicare Improvements for Patients and Providers Act (MIPPA) of 2008 requires that the asset limit for all Medicare Savings Programs be adjusted annually to match the asset test for the Low-Income Subsidy (LIS) Program for help with Medicare Part D prescription drug costs.

The asset limit for MassHealth Senior Buy-In (QMB), MassHealth Buy-In for Specified Low Income Medicare Beneficiaries (SLMBs), and MassHealth Buy-In for Qualifying Individuals (QIs) will be increased to the following amounts:

- for 2011:
 - individual – \$6,680;
 - couple – \$10,020; and
- for 2012:
 - individual – \$6,940;
 - couple – \$10,410.

The asset limits for 2011 were used for MassHealth Senior Buy-In and MassHealth Buy-In applicants and members in calendar year 2011. The asset limits for 2012 are being used for MassHealth Senior Buy-In and MassHealth Buy-In applicants and members in calendar year 2012.

These regulations are effective retroactive to May 2, 2012.

MANUAL UPKEEP

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519.010: MassHealth Senior Buy-In

- (A) Eligibility Requirements. MassHealth Senior Buy-In 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 100 percent of the federal poverty level;
 - (3) (a) in calendar year 2011, have countable assets of \$6,680 or less for an individual, or \$10,020 or less for a married couple living together; or
(b) in calendar year 2012, have countable assets of \$6,940 or less for an individual, or \$10,410 or less for a married couple living together; and
 - (4) meet the universal requirements of MassHealth Standard coverage.
- (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.
- (C) Begin Date. The begin date for MassHealth Senior Buy-In coverage is the first day of the calendar month following the date of the MassHealth eligibility determination.

519.011: MassHealth Buy-In

- (A) MassHealth Buy-In for Specified Low Income Medicare Beneficiaries.
- (1) Eligibility Requirements. MassHealth Buy-In coverage for Specified Low Income Medicare Beneficiaries is available to Medicare beneficiaries who meet the eligibility requirements of MassHealth Senior Buy-In coverage at 130 CMR 519.010 with the following exception: the countable income amount of the individual and his or her spouse must be greater than 100 percent of the federal poverty level and less than 120 percent of the federal poverty level.
 - (2) Benefits. The MassHealth agency pays the cost of the monthly Medicare Part B premium for members who establish eligibility for MassHealth Buy-In coverage in accordance with 130 CMR 519.011(A).
 - (3) Begin Date. MassHealth Buy-In coverage, in accordance with 130 CMR 519.011(A), begins with the month of application and may be retroactive up to three calendar months before the month of application.
- (B) MassHealth Buy-In for Qualifying Individuals.
- (1) Eligibility Requirements. MassHealth Buy-In coverage for Qualifying Individuals is also available to Medicare beneficiaries who
 - (a) are entitled to hospital benefits under Medicare Part A;
 - (b) are not eligible for any other MassHealth coverage type;

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- (c) have a countable income amount (including the income of the spouse with whom he or she lives) that is equal to or greater than 120 percent of the federal poverty level and less than 135 percent of the federal poverty level; and
- (d) (i) in calendar year 2011, have countable assets of \$6,680 or less for an individual, or \$10,020 or less for a married couple living together; or
(ii) in calendar year 2012, have countable assets of \$6,940 or less for an individual, or \$10,410 or less for a married couple living together.
- (2) Benefits. MassHealth 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 meet the requirements of 130 CMR 519.011(B) and have a countable income amount that is less than 135 percent of the federal poverty level. Such payments are made through the state Medicare Buy-In process.
- (3) Eligibility Coverage Period.
- (a) MassHealth Buy-In coverage, in accordance with 130 CMR 519.011(B), begins with the month of application. Coverage may be retroactive up to three months before the month of application provided
- (i) the retroactive date does not extend into a calendar year in which the expenditure cap described at 130 CMR 519.011(B)(4) has been met;
- (ii) the retroactive date is not earlier than October 1, 1998; and
- (iii) the applicant was not receiving MassHealth during the retroactive period.
- (b) Once determined eligible, a member who continues to meet the requirements of 130 CMR 519.011(B) is eligible for the balance of the calendar year. Such members are not adversely impacted by the provisions of 130 CMR 519.011(B)(4).
- (4) Cap on Expenditures.
- (a) MassHealth does not extend eligibility to individuals who meet the requirements of 130 CMR 519.011(B), if MassHealth estimates the amount of assistance provided to these members during the calendar year will exceed the state's allocation, as described in section 1933 of the Social Security Act.
- (b) MassHealth gives preference to members who were eligible for MassHealth Buy-In, as described in 130 CMR 519.011, or MassHealth Senior Buy-In, as described in 130 CMR 519.010, in December of the previous calendar year when determining an individual's eligibility for MassHealth Buy-In, as described in 130 CMR 519.011(B), in the subsequent calendar year.

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519.012: MassHealth CommonHealth

(A) Working Disabled Adults.

(1) Eligibility Requirements. MassHealth CommonHealth for working disabled adults is available to community residents aged 65 and older in the same manner as they are available to those under age 65. This means they must meet the requirements of 130 CMR 505.004(B)(2), (3), and (4).

(2) Other Provisions. The following provisions apply to CommonHealth applicants and members aged 65 and older: 130 CMR 505.004(A)(2), (F) through (H), (I)(1) and (2), and (J).

(3) Aliens with Special Status. MassHealth CommonHealth is not available to aliens with special status adults described in 130 CMR 518.002(D): Aliens with Special Status. Applicable coverage for these persons is described in 130 CMR 518.002(F)(2).

(C) Certain Disabled Institutionalized Immigrant Children.

(1) Eligibility Requirements. MassHealth CommonHealth is available to institutionalized disabled children who meet the requirements of 130 CMR 505.004(D) and 519.006(A)(2), and who

(a) have attained the immigration status described in 130 CMR 518.002(D)(2)(a), (b), or (c), and five years have not passed from the date they attained such status;

(b) are nonimmigrants under the Immigration and Nationality Act (INA); or

(c) are aliens paroled into the United States under section 212(d)(5) of the INA for less than one year.

(2) Other Provisions. The following provisions apply to CommonHealth applicants and members who are described above in 130 CMR 519.012(B)(1): 130 CMR 505.004(A)(2), (F) through (H), and (I)(1) and (2).

(C) Financial Eligibility. Financial eligibility for all MassHealth CommonHealth applicants and members is based on the regulations in 130 CMR 506.000. The regulations in 130 CMR 520.000 do not apply.

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FINANCIAL ELIGIBILITY**

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520.003: Asset Limit

(A) The total value of countable assets owned by or available to individuals applying for or receiving MassHealth Standard, Essential, or Limited may not exceed the following limits:

- (1) for an individual — \$2,000; and
- (2) for a couple living together in the community where there is financial responsibility according to 130 CMR 520.002(A)(1) — \$3,000.

(B) The total value of countable assets owned by or available to individuals applying for or receiving MassHealth Senior Buy-In, as described in 130 CMR 519.010: MassHealth Senior Buy-In, or MassHealth Buy-In, as described in 130 CMR 519.011: MassHealth Buy-In, may not exceed the following limits:

- (1) for an individual — in calendar year 2011, \$6,680 and, in calendar year 2012, \$6,940; and
- (2) for a couple living together in the community where there is financial responsibility according to 130 CMR 520.002(A)(1) — in calendar year 2011, \$10,290 and, in calendar year 2012, \$10,410.

(C) The treatment of a married couple's assets when one spouse is institutionalized is described in 130 CMR 520.016(B).

520.004: Asset Reduction

(A) Criteria.

- (1) An applicant whose countable assets exceed the asset limit of MassHealth Standard, Essential, or Limited may be eligible for MassHealth
 - (a) as of the date the applicant reduces his or her excess assets to the allowable asset limit without violating the transfer of resource provisions for nursing-facility residents at 130 CMR 520.019(F); or
 - (b) as of the date, described in 130 CMR 520.004(C), the applicant incurs medical bills that equal the amount of the excess assets and reduces the assets to the allowable asset limit within 30 days after the date of the notification of excess assets.
- (2) In addition, the applicant must be otherwise eligible for MassHealth.

(B) Evaluating Medical Bills. The MassHealth agency does not pay that portion of the medical bills equal to the amount of excess assets. Bills used to establish eligibility

- (1) cannot be incurred before the first day of the third month prior to the date of application as described at 130 CMR 516.002: *Date of Application*;
- (2) must not be the same bills or the same portions of the bills that are used to meet a deductible based on income; and
- (3) for MassHealth Essential, must be incurred on or after the effective date of the coverage type.