



MassHealth for Older Adults in the Community

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Massachusetts Law Reform Institute

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- ❑ Poverty law & policy center & state-wide support for local Legal Services and community partners
- ❑ MLRI engages in administrative and legislative advocacy, trainings, coalition building and litigation.
- ❑ MLRI areas of practice:
 - Health Care
 - Food Security and Economic Security
 - Immigration
 - Housing law - public and private tenant rights
 - Employment and Unemployment Compensation
 - Family Law and Domestic Violence
 - Child Welfare
 - Race Equity and Language Access



Agenda

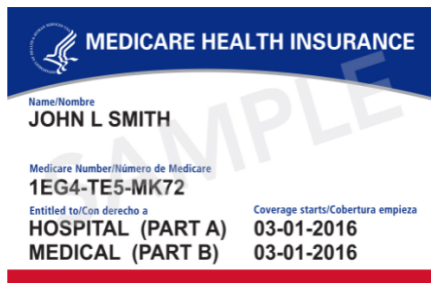
- **What is MassHealth?**
- Redeterminations
- MassHealth eligibility pathways
- Age-based eligibility (65+)
- Eligibility based on other factors
- Other MassHealth programs

MassHealth: An Introduction

- MassHealth = Medicaid in Massachusetts
- Difference between Medicaid and Medicare:



- **Medicaid** = state and federally funded health coverage for people with low incomes; administered by state Medicaid agency
- **Medicare** = federally funded health coverage regardless of income; administered by federal agency
- Elderly & disabled may have both Medicaid and Medicare



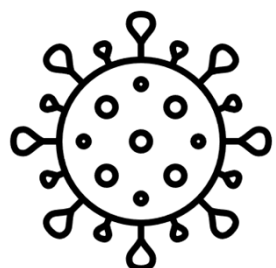


Agenda

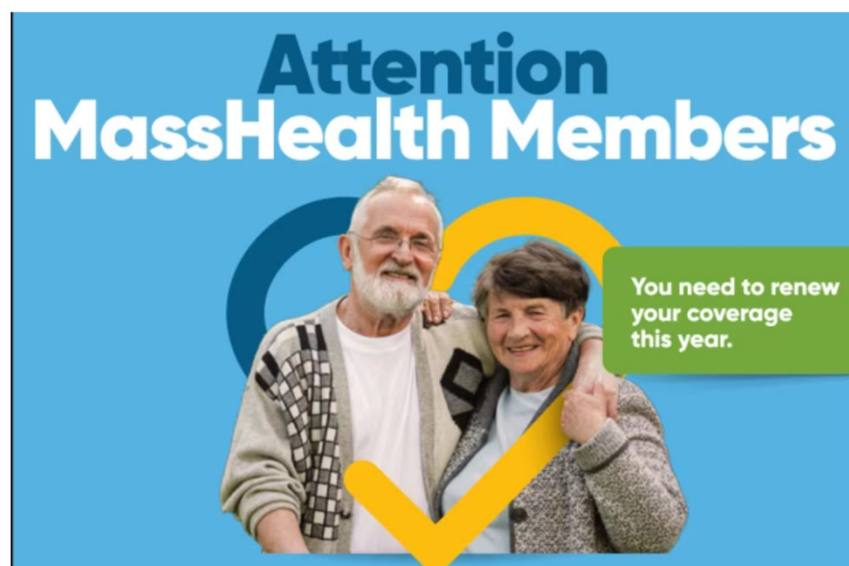
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MassHealth Redeterminations

The Basics



- **MassHealth Protection:** From March 18, 2020 - March 31, 2023, almost no one enrolled in MassHealth lost coverage
- **End of protection and return to business as usual:** Protection ended March 31, 2023. At some point between April 1, 2023- March 31, 2024 each member had their eligibility checked by MassHealth



MassHealth Redeterminations

The Basics

Cumulative Metrics

Metrics below represent members from 4/1/2023 - 2/29/2024

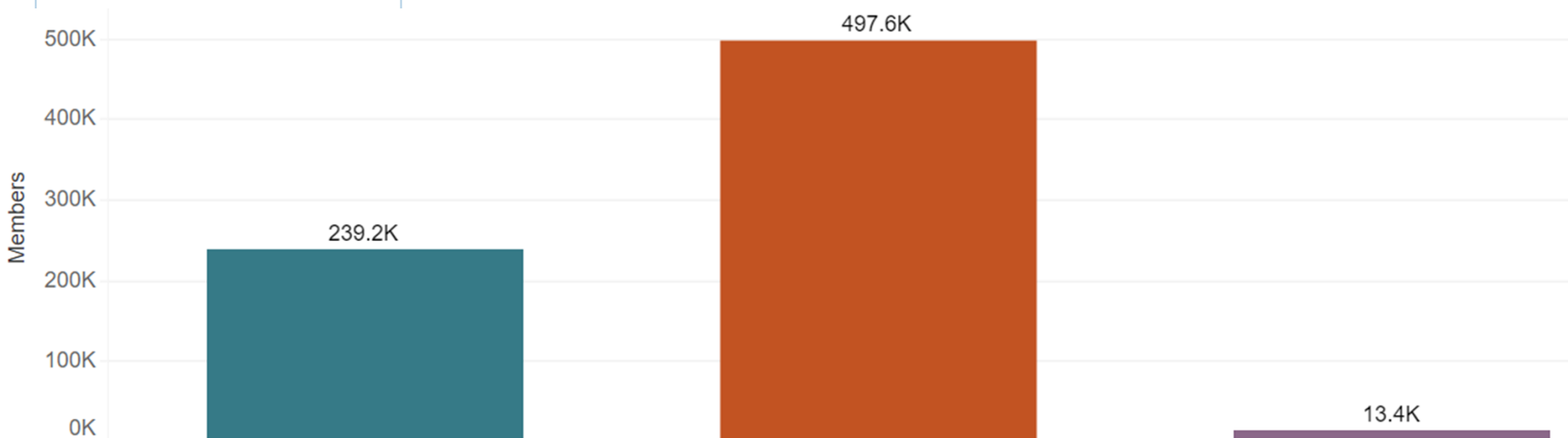
745,764

Members Departed Coverage

- In 11 months, 745,764 members lost MassHealth, primarily for procedural reasons

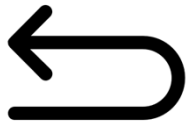

Top Reasons for Member Departures

Confirmed ineligible Insufficient information Unable to contact



MassHealth Redeterminations

If Member Loses MassHealth: 90 day reconsideration

- 90 Day Reconsideration: 
 - way to have coverage reinstated back to date of termination if-
 - terminated after 4/1/23 at renewal for procedural reasons, i.e. missing information, and
 - member supplies missing information and MassHealth determines they were eligible within 90 days of termination date
- Individual must call MassHealth customer service to ask for 90 day reconsideration 
 - [El Ops Memo 23-18 \(July 2023\)](#)



MassHealth Redeterminations

If Member Loses MassHealth: Alternatives

- ❑ **Medicare:** Loss of MassHealth is a qualifying event for a special enrollment period for Medicare
- ❑ **Medicare Savings Plan:** Help from MassHealth in paying Medicare costs
- ❑ **PACE and Frail Elder Waiver:** MassHealth programs with higher income eligibility than MassHealth Standard
- ❑ **ConnectorCare:** If not eligible for premium-free Medicare Part A

MassHealth Redeterminations

How to Renew



- **By phone:** Call MassHealth Customer Service at (800) 841-2900, TDD/TTY: 711



- **Online submission:** If member's renewal has an e-Submission number, can [complete renewal online](#).
 - Cannot submit verifications online



- **By mail or fax:**

- Mail to MassHealth Enrollment Center, PO Box 290794, Charlestown, MA 02129
- Fax to (617) 887-8799



- **In person:** Visit a MassHealth Enrollment Center

MassHealth Redeterminations

How to Renew

□ **Schedule an appointment:**

telephonic or virtual appointment
with a MassHealth Enrollment
Center (MEC) worker



- [Schedule online](#)

- Call customer service at (800) 841-2900

□ **Abbreviated SACCA-2 Renewal:**

- Member may be sent an abbreviated SACCA-2 renewal form: only [4 pages to fill out](#)

- List of people who cannot use this form in [MassHealth Renewal Help Guide](#) (pg 58)



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MassHealth Benefits

- ❑ Different MassHealth Programs determine the types of coverage a person can get
- ❑ MassHealth Standard is the most comprehensive; Limited is the least (emergency only)
- ❑ For details of different coverage types:
 - [List of MassHealth benefits by coverage type](#)
 - [MassHealth Senior Guide for Healthcare Coverage](#)



Types of MassHealth Available to People 65+

Age-based Eligibility

- ❑ **MassHealth Standard:** people 65 and over who meet income and asset test
- ❑ **Family Assistance:** Certain immigrants 65 and over who are Lawfully Present or PRUCOL but not eligible for MassHealth Standard or ConnectorCare due to immigration status
- ❑ **MassHealth Limited:** Immigrants 65 and over who would be eligible for MassHealth Standard or Care Plus but for immigration status



Resources on Immigration Status

- [MLRI, Understanding eligibility of non-citizens for MassHealth and Health Connector](#)
- [Materials for Immigrants & Public Benefits BBT \(March, 2024\)](#)



Types of MassHealth Available to People 65+

Eligibility Based on Factors Other than Age

- ❑ **MassHealth Standard:** Automatic eligibility for recipients of SSI or cash assistance (TAFDC or EAEDC)
- ❑ **MassHealth Standard:** Clinically eligible for nursing home care
- ❑ **MassHealth Standard:** Parents or caretaker relatives living with a child under 19
- ❑ **CommonHealth:** Working* disabled adults who are ineligible for MassHealth Standard



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Age-based Eligibility

Who Qualifies?

- Age: 65 and older
- Resident of MA: Live in MA with intent to remain; do not need fixed address
- Financial eligibility:
 - Income \leq 100% FPL
 - Assets \leq \$2,000 (individuals) or \$3,000 (couples)
- U.S. citizen or eligible immigration status

Age-based Eligibility

Income Counting

- Income (earned & unearned) - deductions = must be \leq 100% FPL
- Count both applicant's income and income of spouse (if living together).

[MassHealth's 2024 Income Standards and FPL Guidelines:](#)

Family Size	100% Federal Poverty Level	
	Monthly	Yearly
1	\$1,255	\$15,060
2	\$1,704	\$20,448
3	\$2,152	\$25,824
4	\$2,600	\$31,200
5	\$3,049	\$36,588
6	\$3,497	\$41,964
7	\$3,945	\$47,340
8	\$4,394	\$52,728
For each additional person add	\$449	\$5,388

Age-based Eligibility

Income Counting (*130 CMR 520.009*)

- Earned income: compensation received for work or services performed. Includes:
 - Wages
 - Self-employment income
- Unearned income includes:
 - Social Security benefits
 - Gross (prior to payment of Medicare premiums)
 - Pensions
 - Annuities
 - Rental income
 - Interest
 - Dividend income



Age-based Eligibility

Income Counting (*130 CMR 520.015*)

- Examples of excluded, non-countable income (but not limited to):
 - Retroactive Social Security Benefits
 - Income in kind
 - Reverse mortgage payments
 - Economic Incentive/Stimulus Payments paid out by IRS during pandemic

Age-based Eligibility

Income Counting (*130 CMR 520.010-520.013*)

- Deductions:
 - Unearned income deduction: \$20 per month
 - If less than \$20 unearned income, remainder deducted from earned income
 - Earned income deduction: \$65 and half of remaining earned income
 - Allowable business expenses from self-employment and rental income (ex. maintenance and repair costs)

Age-based Eligibility

Income Counting Example: Mary

- ❑ 100% FPL for 1 person = \$1,255/month
- ❑ Mary (67 years old), is not married. She earns \$1,000/month in wages, and receives \$300/month in rental income and \$15/month in SSI.



- Does Mary's income qualify her for MassHealth Standard?
- Trick question! You don't have to do the math, she is a recipient of SSI so she is automatically eligible.

Age-based Eligibility

Income Counting Example: Isabel



- 100% FPL for 1 person = \$1,255/month
- Isabel (68 years old), is not married. She earns \$1,300/month in wages, and receives \$5/month in dividend income and \$400/month in Social Security Retirement benefits.
- Does Isabel's income qualify her for MassHealth Standard?
 - Earned income minus deductions: $\$1300 - \$65 = \$1,235 \div 2 = \mathbf{\$617.50}$
 - Unearned income minus deduction: $\$405 - \$20 = \mathbf{\$385}$
 - Yes! Total = $\mathbf{\$1,002.50}$ which is $< 100\%$ FPL

Age-based Eligibility

Deductible/Income Spenddown Standard

- MassHealth's 2024 Income Standards and FPL Guidelines:

Family Size	MassHealth Income Standards		100% Federal Poverty Level	
	Monthly	Yearly	Monthly	Yearly
1	\$522	\$6,264	\$1,255	\$15,060
2	\$650	\$7,800	\$1,704	\$20,448
3	\$775	\$9,300	\$2,152	\$25,824
4	\$891	\$10,692	\$2,600	\$31,200
5	\$1,016	\$12,192	\$3,049	\$36,588
6	\$1,141	\$13,692	\$3,497	\$41,964
7	\$1,266	\$15,192	\$3,945	\$47,340
8	\$1,383	\$16,596	\$4,394	\$52,728
For each additional person add	\$133	\$1,596	\$449	\$5,388

Age-based Eligibility

Deductible/ Income Spenddown (*130 CMR 520.030*)

- If countable income exceeds 100% of FPL: After meeting a deductible in a 6 month period, benefits provided for the balance of the 6 month period.
- Deductible amount = monthly countable income – monthly income standard (\$522(single) or \$650(married)) x 6
- What bills meet the deductible?
 - Bill must not be covered by health insurance or other third party coverage, including Medicare but 6 mo of Medicare premiums can be taken off the top

Age-based Eligibility

Deductible/ Income Spenddown Example: Henry



- Henry (65 years old), is not married. His countable monthly income is \$1,300/month.
- What is Henry's deductible?
- $\$1,300$ (countable income) - $\$522$ (income standard) = $\$778 \times 6 = \mathbf{\$4,668}$



Age-based Eligibility

Asset Limits (*130 CMR 520.003*)

- Countable assets cannot exceed \$2,000 for an individual or \$3,000 for a couple
- Some differences for long term care applicants



Age-based Eligibility

Countable Assets (*130 CMR 520.007*)

- Countable assets include:
 - Cash (currency, checks, bank drafts)
 - Bank accounts
 - IRAs, Keogh plans, and accessible pension funds from former employer
 - Securities
 - Cash surrender value of life insurance with face value > \$1,500
 - Vehicles (first one not counted)
 - Real estate (primary residence not counted)



Age-based Eligibility

Noncountable Assets (*130 CMR 520.007- 520.008*)

- Noncountable assets include:
 - Principal residence
 - First vehicle for personal use
 - Personal possessions: furniture, clothing, jewelry
 - Some funeral or burial arrangements
 - Special-needs and pooled trusts
 - Pension funds set aside by current employer
 - Face value of life insurance policies with no cash surrender value (term life policies)
 - Economic Incentive/Stimulus Payments paid out by IRS during pandemic

Age-based Eligibility

Assets Counting Example: Leo

- Leo, 68 and single, has \$750,000 equity in the house he lives in, one car worth \$3,000, a \$5,000 piano and \$2,500 in the bank.
- Does he exceed the asset limit?
 - Yes! By \$500
 - The equity in his principal residence, his only car, his piano are not countable assets
 - The \$2,500 in his bank account are countable assets.
- What can he do to meet the asset test?





Age-based Eligibility

Asset Spend-down (*130 CMR 520.004*)

- If an applicant's assets exceed the limit, MassHealth rules give them a notice with the excess amount and an opportunity to reduce their assets without having to reapply.
 - Ex: Leo has \$2,500 in countable assets. He spends \$500 on clothes and furniture. He is eligible for MassHealth on the first date that his assets did not exceed \$2,000.

Age-based Eligibility

Reducing Assets (*130 CMR 520.008(f)*)

- Spend down
- Burial accounts
 - You can reduce countable assets by putting up to \$1,500 in a burial account
 - See [MassHealth flyer](#)
- Other complex asset-reducing strategies:
consult an experienced elder law attorney
 - Beware: transfer of asset rules & nursing home care

Age-based Eligibility

How to Apply

Application for Health Coverage for Seniors and People Needing Long-Term-Care Services

Please Print Clearly. Be sure to answer all questions. Fill out all parts of the application, along with all supplements that apply. If you need more space, attach a separate page of paper to this application. Put "Person 1" name and social security number at the top of any attached paper. For each member in your household, please put the name(s) of the individual(s) under the program or programs that you or the member is applying for. Please use the Senior Guide to learn more about coverage under these programs.

Please list the names of everyone who is applying for health coverage on this application.

MassHealth or the Health Safety Net (HSN)
If living in a nursing home or not having an assigned long-term care facility, you are not eligible for MassHealth. If you have Medicaid, you will automatically fill out this application and any supplements that apply to your long-term care facility. MassHealth will check if anyone applying for health coverage on this application is eligible for MassHealth or the HSN.

Health Connector Programs
Health coverage through the Massachusetts Health Connector is a health insurance program. You may be eligible for any cost sharing or Advance Premium Tax Credit, and you cannot purchase your plan through the Health Connector, unless you were enrolled in a Health Connector plan when you became eligible for Medicaid. The only time you should apply for Health Connector programs if you have Medicaid is if you are not enrolled in Medicaid and you would have to pay for your Medicare Part A premium. In this case, you may be eligible for a Health Connector plan.

Long-Term Care Assisted Living and Community Based Services Waiver
If waiting for a waiting list from an assisted living home, under an HCBS Waiver, or in a nursing home or chronic hospital, fill out this application and any supplements that apply to you or any household member, including all or part of the Long-Term Care Supplement(s).

STEP 1 Person 1 (YOU) - Tell us about YOURSELF.
We need one adult in the household to be the contact person for your application. Please note that this should be someone who appears on the application, not a third party who wishes to serve as a contact for the application. Please use the Authorized Representative Designation (ARD) at the end of this application to establish a third party contact.

1. First name, middle name, last name, and suffix. 2. Date of birth.

3. Street address. Check this box if homebased. You must provide a mailing address. 4. Apartment or unit number.

5. City. 6. State. 7. ZIP code. 8. Country.

9. Is this a hospital, nursing facility, or other institution? Yes No. If Yes, facility name.

10. Mailing address. Check if same as street address. 11. Apartment or unit number.

12. City. 13. State (AK, ZIP code). 14. Country.

15. Phone number. 16. Other phone number.

17. Email. 18. # of people listed on the application.

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- [SACA-2 Application](#)
- Income and asset verification
- 3 month retroactive start date

How to apply:

- In person at MassHealth Enrollment Center, by mail or fax
- NEW: Phone and [Online](#)**



- Phone: [new video/phone appointment scheduler](#)
- Online fillable pdf: Must have valid email address, complete in one sitting, and cannot submit verifications online

Get help from many orgs



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Eligibility Based on Factors Other than Age

- Automatic eligibility for recipients of SSI or cash assistance (TAFDC or EAEDC)
 - MassHealth Standard or, for some immigrants on EAEDC, Family Assistance
- Parents or caretaker relatives living with a child under 19
 - MassHealth Standard
- Working* disabled adults who are ineligible for MassHealth Standard:
 - CommonHealth

Eligibility for Parents/Working* Disabled 65+

MAGI Financial Rules

- MassHealth uses MAGI financial rules for some kinds of non-age-based eligibility

Age-based Eligibility (65+)	Eligibility based on MAGI
Lower income limit	Higher income limit
Income counting = traditional method based on SSI rules	Income counting = Modified Adjusted Gross Income (MAGI)
Asset test	No asset test



MassHealth Standard: Parent/Caretaker Relative

(130 CMR 505.002 & 519.005)

Qualifications:

- Parents/caretaker relative living with a child under 19
 - Caretaker relative must have primary responsibility for the child, and neither parent lives in the home
- MA resident; and U.S. Citizen or qualified immigrant
- MAGI \leq 133% FPL
- No asset test

Compare with age-based eligibility:

- Apply with [ACA-3](#) (can create online account)
- Only 10 day retro (coming soon: 3 month retro!)

CommonHealth: Working Disabled

(130 CMR 519.012)

Qualifications:

- ❑ MA resident; and U.S. Citizen or qualified immigrant
- ❑ Permanently and totally disabled
- ❑ Employment requirement:
 - Working at least 40 hours/month (or if less, have been employed at least 240 hours in prior 6 months); OR
 - **NEW (July 2023): If enrolled in CommonHealth for 10+ years, do not need to meet employment requirement**
- ❑ Ineligible for MassHealth Standard
 - no upper income limit; premiums for MAGI > 150% FPL₃₉





CommonHealth: Working Disabled

(130 CMR 519.012)

Compare with age-based eligibility:

- Apply with SACA-2 (same as age-based)
- Only 10 day retro (coming soon: 3 month retro!)



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MassHealth's Medicare Savings Program


(130 CMR 519.010- 519.011)

- MassHealth's Medicare Savings Program helps MA residents pay for Medicare costs.
- Expanded income limits effective Jan 1, 2023
- Asset test eliminated effective March 1, 2024




Higher Financial Limits Based on Medical Need *(130 CMR 519.007)*

- MassHealth programs designed to help people live at home instead of in a long-term-care facility
 - Program of All-Inclusive Care for the Elderly (PACE)
 - Home and Community Based Services Waivers (HCBS)
 - Higher income/asset limits
- PCA deduction *(130 CMR 520.013)*
 - Special income deduction for people 65+ who would need a Personal Care Attendant (PCA)
 - For more info: [MassHealth Senior Guide for Healthcare Coverage](#)



Program of All-Inclusive Care for the Elderly (PACE) *(130 C.M.R. 519.007)*

- Type of managed care program with access to all services covered by Medicare and MassHealth *plus* services to help member live in community
 - Additional services may include: meal delivery, social services, in-home services, etc.
- Center-based services provided at a PACE Center
 - Must live in service area
 - Services provided at PACE Center include doctor's offices, rehabilitation gym, social work officers, activities center, etc.



Program of All-Inclusive Care for the Elderly (PACE) *(130 C.M.R. 519.007)*

□ Eligibility:

- Must be eligible for nursing home level of care
- Must be able to safely live in community
- Age 55 or older (must be disabled if 55-64)
- Income \leq \$2,829/month (2024); \leq assets \$2000; spousal finances not counted

□ How to apply:

- Contact [PACE organization](#) for your service area



Home and Community Based Services Waivers (HCBS) *(130 C.M.R. 519.007)*

- Provides MassHealth Standard services *plus* expanded range of community-based services
- Different eligibility criteria:
 - Must be clinically eligible
 - ASAP will conduct clinical assessment
 - Lower age limits for some HCBS waivers
 - Frail Elder HCBS waiver age limit is 65+
 - Expanded financial eligibility (\$2829 for 2024)
 - Apply by checking HCBS box on SACA-2 and completing long term care supplement

Renewing Eligibility for PACE and HCBS

(El. Ops. Memos 19-13 & 21-13)

- If members enrolled in PACE or HCBS had an increase in income that puts them over the upper income limit for new applicants to HCBS & PACE, then Post-Eligibility Treatment of Income (PETI) rules apply upon renewal:
 - Instead of being terminated as over-income, the member will remain eligible but may have to pay a monthly amount to stay enrolled.
 - MassHealth uses PETI rules described in [El. Ops. Memo 19-13](#) to calculate whether the member must pay a monthly amount, and how much it is.



Senior Care Options (SCO)

(130 CMR 508.008)

- ❑ Voluntary managed care plan for seniors
- ❑ Combines health services with social support services
- ❑ For duals, integrates Medicare/Medicaid
- ❑ No copays
- ❑ Eligibility:
 - Age 65 or older
 - MassHealth Standard member
 - Not diagnosed with end-stage renal disease
 - Live in an area serviced by a SCO plan



Medicaid/MassHealth- Federal Law

- ❑ 42 USC §1396 et seq.
- ❑ 42 CFR Part 430 et seq.
- ❑ Federal agency: Centers for Medicare and Medicaid Services (CMS)
- ❑ Federal website: Medicaid.gov
- ❑ Secondary sources: National Health Law Program, healthlaw.org



MassHealth – State Law

- MGL c. 118E
- 130 Code of Mass. Regs. 515-522 and 610
- State agency: Executive Office of Health and Human Services
 - Office of Medicaid
 - Executive Office of Elder Affairs, Office of Long Term Services & Supports (OLTSS)
- State website: Mass.gov/masshealth