

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2112192
Decision Date:	11/03/2021	Hearing Date:	September 2, 2021
Hearing Officer:	Stanley Kallianidis	Record Open Date:	November 3, 2021

Appellant Representative:



MassHealth Representative:

Cassandra Moura, Taunton



***Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
Board of Hearings
100 Hancock Street, 6th floor
Quincy, MA 02171***

APPEAL DECISION

Appeal Decision:	Denied	Issue:	Excess Assets
Decision Date:	11/03/2021	Hearing Date:	September 2, 2021
MassHealth Rep.:	Cassandra Moura	Appellant Rep.:	[REDACTED]

Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder.

Jurisdiction

Notice dated February 22, 2021 was sent to the appellant stating that MassHealth had denied her application for MassHealth benefits due to excess assets (Exhibit 1). The appellant filed this appeal on March 23, 2021 and, therefore, it is timely (see Exhibit 2 and 130 CMR 610.015). A denial of MassHealth benefits is grounds for appeal (130 CMR 610.032).

The appellant died on March 30, 2021, and the hearing was postponed pending the appointment of a personal representative for the appellant's estate Exhibits 2 & 6).

Action Taken by MassHealth

MassHealth denied the appellant's application for MassHealth benefits.

Issue

Pursuant to 130 CMR 520.004, has the appellant reduced her excess assets to the allowable asset limitation?

Summary of Evidence

The MassHealth representative testified that the appellant applied for MassHealth benefits on October 5, 2020 (Exhibit 3). The appellant's application was denied due to assets over the \$2,000.00 limit for her household size. At issue were stocks, life insurance and a bank account valued at \$17,195.00 leaving the appellant with excess assets of \$15,195.00 (Exhibit 1).

The appellant's representative testified that she was appointed administrator of the appellant's estate. She requested that the record be left open so that the appellant's assets could be reduced to the \$2,000.00 limit.

During the record-open period, the appellant's representative verified the reduction of assets to below \$2,000.00 to the satisfaction of the MassHealth representative, who then approved the case for long-term care benefits (Exhibits 4 & 5).

Findings of Fact

The record shows, and I so find:

1. The appellant applied for MassHealth benefits on October 5, 2020 (Exhibit 3).
2. The appellant's application was denied due to assets over the \$2,000.00 limit for her household size (Exhibit 1).
3. The appellant's representative reduced the assets to below \$2,000.00 during the record-open period to the satisfaction of the MassHealth representative, who then approved the case for long-term care benefits (Exhibits 4 & 5).

Analysis and Conclusions of Law

Pursuant to 130 CMR 520.003(A): The total value of countable assets owned by or available to individuals applying for or receiving MassHealth Standard 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.

With regard to asset reduction, 130 CMR 520.004 provides as follows:

(A) Criteria

(1) An applicant whose countable assets exceed the asset limitation may be eligible for MassHealth:

(a) as of the date the applicant reduces his or her excess assets to the allowable asset limitation without violating the transfer of asset provisions for nursing facility residents at 130 CMR 520.018(C) 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 limitation within 30 days of the date of the notification of excess assets.

(2) In addition, the applicant must be otherwise eligible for MassHealth.

(B) Evaluating Medical Bills. MassHealth will not be responsible for payment of that portion of the medical bills equal to the amount of excess assets. Bills used to establish eligibility:

(1) cannot be incurred earlier than the first day of the third month prior to the date of the application as described at 130 CMR 516.002; and

(2) must not be the same bills or the same portions of the bills that are used to meet a deductible based on income.

(C) Date of Eligibility. The date of eligibility for otherwise eligible individuals described at 130 CMR 520.004 (A)(1)(b) is the date that his or her incurred allowable medical expenses equaled or exceeded the amount of his or her excess assets.

(1) If, after eligibility has been established, an individual submits an allowable bill with a medical service date that precedes the date established under 130 CMR 520.004(C), MassHealth will readjust the date of eligibility.

(2) In no event shall the first day of eligibility be earlier than the first day of the third month prior to the date of the application.

(D) Verification

The applicant will be required to verify that he or she incurred the necessary amount of medical bills and that his or her excess assets were reduced to the allowable asset limitation within required time frames.

In the instant appeal, I have found that the appellant applied for MassHealth benefits on October 5, 2020. Initially, the appellant's application was denied due to assets over the \$2,000.00 limit for her household size. However, the appellant's representative reduced the assets to below \$2,000.00 during the record-open period to the satisfaction of the MassHealth representative, who then approved the case.

Whereas MassHealth has approved the appellant's application for benefits following a successful spend-down of assets, the issue of excess assets under appeal has become moot.

Therefore, her appeal is dismissed.

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.

Stanley Kallianidis
Hearing Officer
Board of Hearings

cc:

[REDACTED]