

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2201550
Decision Date:	5/17/22	Hearing Dates:	4/06/2022 and 4/27/2022
Hearing Officer:	Sara E. McGrath		

Appearances for Appellant:



Appearances for MassHealth:

Jennifer Carroll, Taunton MassHealth



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

APPEAL DECISION

Appeal Decision:	Denied	Issue:	Excess Assets
Decision Date:	5/17/22	Hearing Date:	4/06/2022 and 4/27/2022
MassHealth Rep.:	Jennifer Carroll	Appellant Reps.:	Yjannette Ortiz Patricia Wlasuk
Hearing Location:	Board of Hearings (Remote)		

Authority

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

Jurisdiction

Through notice dated February 11, 2022, MassHealth denied the appellant's application for benefits due to excess assets (Exhibit 1). The appellant filed an appeal in a timely manner on February 23, 2022 (Exhibit 1). Denial of assistance is a valid ground for appeal (130 CMR 610.032). On March 3, 2022, the Board of Hearings dismissed the appeal because neither the appellant nor an authorized representative signed the request for hearing (Exhibit 3). The appellant submitted the proper documentation and the Board vacated the dismissal and scheduled a hearing for April 6, 2022 (Exhibits 2 and 4). At the conclusion of the hearing, the record was held open until May 4, 2022 for the appellant to submit additional information and for MassHealth to review and respond (Exhibit 5). The hearing was reconvened on April 27, 2022 so that one of the appellant's representatives could participate (Exhibits 6 and 7).¹

Action Taken by MassHealth

MassHealth denied the appellant's application for benefits due to excess assets.

¹ Due to an administrative error, the appellant's representative was not included in the hearing that took place on April 6, 2022.

Issue

The appeal issue is whether the appellant's assets exceed MassHealth's program limits.

Summary of Evidence

The MassHealth representative appeared at the hearing by telephone and testified in summary as follows: The appellant was admitted to a skilled nursing facility in [REDACTED] and was discharged to the community on [REDACTED]. On December 3, 2021, the appellant submitted a MassHealth conversion application, seeking long-term care coverage from August 13, 2021 until her discharge date.² On February 11, 2022, MassHealth denied the application due to excess assets (Exhibit 1). The notice indicates that the appellant has assets totaling \$112,969, which is \$110,969 over the \$2,000 asset limit (Exhibit 1). The MassHealth representative explained that as of January 2022, the appellant owned bank assets totaling \$108,019, and a 50% interest in a time share property. The time share is valued at \$9,900, and the appellant's interest is valued at \$4,950.

The appellant's daughter appeared at the hearing by telephone. She explained that she and her siblings used their own funds to pay many of the appellant's expenses for a period of time. She wants to use the appellant's funds to reimburse herself and her siblings for the expenses they covered. Further, she wants to use additional funds to modify her home to make it accessible for the appellant. She did not specifically dispute that the appellant's assets exceed \$2,000, but requested time to consult an attorney and to spend down the assets.

The hearing officer reconvened the hearing several weeks after the initial hearing. The appellant's daughter appeared by telephone again, as did the business office manager from the nursing facility where the appellant had most recently been a resident. The same MassHealth representative appeared by telephone and explained that the appellant submitted additional documentation in the weeks between hearings (Exhibit 10). After reviewing the documentation, MassHealth determined that the appellant's bank assets still exceed \$2,000 (with a balance of over \$20,000), and she still retains an ownership interest in the time share. The appellant's daughter explained that some of the funds were used to update her home and make it accessible for the appellant. The majority of the funds (over \$80,000) were transferred to the nursing facility to satisfy the appellant's debt there. She explained that she wanted her mother discharged from the nursing facility much sooner, but that the nursing facility representatives delayed the discharge. Had the appellant been discharged sooner, the debt to the facility would have been much smaller.

² The MassHealth representative explained that due to an error, the appellant had been incorrectly coded as "short-term" since her nursing facility admission in [REDACTED].

Findings of Fact

Based on a preponderance of the evidence, I find as follows:

1. The appellant was admitted to a skilled nursing facility in 2018 and was discharged to the community on [REDACTED]
2. On December 3, 2021, the appellant submitted a MassHealth conversion application, seeking a long-term care coverage from August 13, 2021 until her discharge date.
3. In January 2022, the appellant owned bank assets totaling the appellant owned bank assets totaling \$108,019, and property valued at \$4,950.
4. On February 11, 2022, MassHealth denied the application due to excess assets.
5. On February 23, 2022, appellant filed a timely appeal with the Board of Hearings.
6. As of April 27, 2022, the appellant's assets exceeded \$2,000.

Analysis and Conclusions of Law

The total value of countable assets owned by or available to an individual applying for MassHealth benefits may not exceed \$2,000 (130 CMR 520.003(A)(1)). MassHealth has taken the position that the appellant's assets exceed the \$2,000 limit; the appellant appealed this determination.

The record reflects that as of April 2022, the appellant's assets exceeded MassHealth program limits. (Exhibit 10). Despite ample opportunity to demonstrate otherwise, the appellant has not shown that she is asset-eligible for MassHealth benefits (130 CMR 520.003).

The appeal is 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.

Sara E. McGrath
Hearing Officer
Board of Hearings

cc: Taunton MassHealth

Yjannette Ortiz
53 Bennington Street
Lawrence, MA 01841

Patricia Wlasuk, BOM
Cedar View
480 Jackson Street
Methuen, MA 01844

Shana Neumann
1608 Route 88
Suite 301
Brick, NJ 08724