

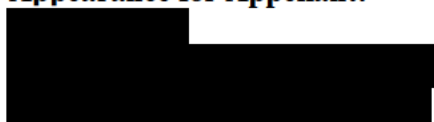
Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2202888
Decision Date:	2/3/2023	Hearing Date:	05/10/2022
Hearing Officer:	Alexandra Shube	Record Open to:	01/25/2023

Appearance for Appellant:



Appearance for MassHealth:

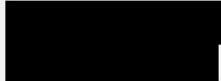
Via telephone:

Jamie Lapa, Springfield 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:	Dismissed	Issue:	LTC – Assets
Decision Date:	2/3/2023	Hearing Date:	05/10/2022
MassHealth’s Rep.:	Jamie Lapa	Appellant’s Rep.:	
Hearing Location:	Springfield MassHealth Enrollment Center 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 March 17, 2022, MassHealth denied the appellant's application for MassHealth benefits because MassHealth determined that the appellant had more countable assets than MassHealth benefits allow (see 130 CMR 520.003 and Exhibit 1). The appellant filed this appeal in a timely manner on April 15, 2022 (see 130 CMR 610.015(B) and Exhibit 2). Denial of assistance is valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied the appellant’s application for MassHealth benefits because MassHealth determined that the appellant had more countable assets than MassHealth benefits allow.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 520.003, in determining that the appellant was over the allowable asset amount.

Summary of Evidence

The MassHealth representative appeared via telephone and testified as follows: On January 31, 2022, MassHealth received an application for long-term care benefits on behalf of the appellant requesting a start date of October 24, 2021. On March 17, 2022, MassHealth denied the appellant's application for having more countable assets than MassHealth allows. The appellant had \$9,282.50 in various bank accounts, putting her \$7,282.50 over the allowable limit. The MassHealth representative needed bank statement showing that the total amount held in all her bank accounts was under \$2,000.

The appellant's representative from the business office at the facility appeared at hearing via telephone and testified as follows: she had been working with the appellant's money manager, but then the appellant got sick and was in and out of the hospital. She informed MassHealth and this hearing officer that the appellant passed away [REDACTED]

The record was initially held open until June 24, 2022 for the appellant's representative to file a petition for appointment of personal representative for the appellant's estate. After numerous extensions of the record open period, a personal representative was appointed on November 4, 2022 and additional time was given for the personal representative to provide proof of spend down. On January 24, 2023, the MassHealth representative confirmed that she had the necessary documentation to issue an approval, honoring the original application date. On January 25, 2023, the MassHealth representative provided a copy of the approval notice, dated January 25, 2023, showing that the appellant was approved for MassHealth with a start date of November 8, 2021.

Findings of Fact

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

1. On January 31, 2022, MassHealth received an application for long-term care benefits on behalf of the appellant requesting a start date of October 24, 2021 (Testimony and Exhibit 4).
2. On March 17, 2022, MassHealth denied the appellant's application for having more countable assets than MassHealth allows (Testimony and Exhibit 1).
3. The appellant timely appealed the denial on April 15, 2022 (Exhibit 2).
4. At the time of hearing, the appellant had \$9,282.50 in various bank accounts, putting her \$7,282.50 over the allowable limit (Testimony and Exhibit 5).
5. The appellant passed away on [REDACTED] (Testimony and Exhibit 7).
6. After multiple extensions, the record was held open for the appellant until January 13, 2022 to file a petition for appointment of personal representative and obtain the needed bank statements showing proof of spend down (Testimony and Exhibits 6 and 7).

7. The record closed on January 25, 2023 after MassHealth confirmed that it received the necessary information to show that the appellant was within the asset limit and could issue a new determination honoring the original application date (Testimony and Exhibit 7).

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, Family Assistance, 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.”

Additionally, pursuant to 130 CMR 520.004(A), MassHealth allows for asset reduction when:

- (1) An applicant whose countable assets exceed the asset limit of MassHealth Standard, Family Assistance, 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.

The issue in this appeal is whether MassHealth was correct in determining that the appellant was over the allowable asset limit and denying her MassHealth benefits. After an extended record open period, MassHealth had the necessary information to determine that the appellant was within the asset limit and issue a new determination, honoring the original application date.

As the issue in this appeal is being over the allowable asset limit and that issue has been resolved, the 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.

Alexandra Shube
Hearing Officer
Board of Hearings

cc:

MassHealth Representative: Dori Mathieu, Springfield MassHealth Enrollment Center, 88 Industry Avenue, Springfield, MA 01104

