

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2203714
Decision Date:	8/16/2022	Hearing Date:	June 28, 2022
Hearing Officer:	Stanley Kallianidis	Record-Open Date:	July 28, 2022

Appellant Representative:



MassHealth Representative:

Patricia Rogers, 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:	8/16/2022	Hearing Date:	June 28, 2022
MassHealth Rep.:	Patricia Rogers	Appellant Rep.:	

Authority

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

Jurisdiction

Notice dated 04/20/22 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 05/13/22 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).

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 02/24/22 (Exhibit 3). Notice dated 04/20/22 was sent to the appellant stating that MassHealth had denied her application for MassHealth benefits due to excess assets of \$39,031.00 from two bank accounts (Exhibit 1). The MassHealth representative introduced into evidence copies of the appellant's most recent bank statements. The statements were from two Middlesex Savings Bank accounts. One account had a balance of \$3,485.00 and the other had a balance of \$38,545.00, for a total of \$41,030.00. This exceeded the \$2,000.00 asset limit for her household size (Exhibit 3).

The appellant's representative acknowledged that the appellant's two bank accounts were still over the \$2,000.00 limit but stated that it would be spent down to the allowable amount if she and the family could have an additional thirty days.

While the record was extended at the request of the appellant's representative no documentation of an asset reduction was ever sent to MassHealth during that period (Exhibits 4 & 5).

Findings of Fact

The record shows, and I so find:

1. The appellant applied for MassHealth benefits on 02/24/22 (Exhibit 3).
2. Notice dated 04/20/22 was sent to the appellant stating that MassHealth had denied her application for MassHealth benefits due to excess assets of \$39,031.00 from two bank accounts (Exhibit 1).
3. Recent statements were from the appellant's two Middlesex Savings Bank accounts showed balances of \$3,485.00 and \$38,545.00, for a total of \$41,030.00 (Exhibit 3).
4. The record was extended for thirty days at the request of the appellant's representative, but no documentation of an asset reduction was ever sent to MassHealth during that period (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 filed her application on 02/24/22. Notice dated 04/20/22 was sent to the appellant stating that MassHealth had denied her application for MassHealth benefits due to excess assets of \$39,031.00 from two bank accounts, with balances of \$3,485.00 and \$38,545.00, for a total of \$41,030.00.

The record was extended for thirty days at the request of the appellant's representative, but no documentation of an asset reduction was ever sent to MassHealth during that period.

Based upon the above facts, the appellant has not met the asset reduction criteria of 130 CMR 520.003 and 520.004.

Therefore, her 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.

Stanley Kallianidis
Hearing Officer
Board of Hearings

cc:



Taunton MEC