

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2208000
Decision Date:	1/5/2023	Hearing Date:	11/28/22
Hearing Officer:	Stanley Kallianidis	Record Open Date:	12/28/22

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:	Dismissed	Issue:	Disqualification Period for MassHealth
Decision Date:	1/5/2023	Hearing Date:	11/28/22
MassHealth Rep.:	Patricia Rogers		

Authority

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

Jurisdiction

The appellant received a notice dated September 16, 2022 stating that MassHealth had calculated a penalty period from June 13, 2022-April 6, 2023 regarding her MassHealth long-term care application (130 CMR 420.431(E)(1) and Exhibit 1). An appeal was filed on October 26, 2022 (130 CMR 610.015(B); Exhibit 2).

At the hearing, the MassHealth representative indicated that the penalty was due to the proceeds from the sale of real estate (Exhibit 3). The record was left open during which time the appellant's representative verified that the assets were properly accounted for to the satisfaction of the MassHealth representative who then rescinded the penalty and issues a new denial for excess assets (Exhibits 4 & 5).

With the rescinding of the penalty period, the issue of a disqualifying transfer has been rendered moot and the appeal is dismissed accordingly (130 CMR 610.032).

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