

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Dismissed	<b>Appeal Number:</b>	2209527
<b>Decision Date:</b>	6/15/2023	<b>Hearing Date:</b>	05/03/2023
<b>Hearing Officer:</b>	Kimberly Scanlon	<b>Record Open to:</b>	06/02/2023

**Appearance for Appellant:**

*Via telephone*



**Appearance for MassHealth:**

*Via telephone*

Karen Ryan



*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

<b>Appeal Decision:</b>	Dismissed	<b>Issue:</b>	Eligibility – Over Assets
<b>Decision Date:</b>	6/15/2023	<b>Hearing Date:</b>	05/03/2023
<b>MassHealth's Rep.:</b>	Karen Ryan	<b>Appellant's Rep.:</b>	
<b>Hearing Location:</b>	Tewksbury MassHealth Enrollment Center Room 1 (Remote)	<b>Aid Pending:</b>	No

### Procedural Background

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder. The issue on appeal was MassHealth's October 18, 2022 denial of the Appellant's May 31, 2022 request for long-term care services because MassHealth determined that the Appellant has more countable assets than MassHealth benefits allow. (See, 130 CMR 520.003; 520.004; Exhibit 1). The Appellant timely appealed on April 3, 2023.<sup>1</sup>

Following the hearing, the record was left open until May 19, 2023 for the Appellant to submit additional documentation showing asset reduction and spend-down. The record was also left open until June 2, 2023 for MassHealth to review the submitted documentation. (See, Exhibit 10). On June 2, 2023, MassHealth indicated that the documentation has been received and it can issue a new determination, preserving the May 31, 2022 application. (See, Exhibit 11, p. 1).

As no issue on the appeal of the October 18, 2022 denial notice for over assets remains in dispute, this matter is dismissed, pursuant to 130 CMR 610.051(B). Any subsequent denial notices issued by MassHealth may be separately appealed.

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<sup>1</sup> The Appellant initially filed a request for a fair hearing on or about December 23, 2022. (See, Exhibit 7, p. 2). Subsequent to the December 23, 2022 filing, this appeal was placed on hold until a Personal Representative was appointed for the Appellant's Estate. (See, Exhibit 2, p. 2; Exhibits 5-7).

Kimberly Scanlon  
Hearing Officer  
Board of Hearings

cc:

MassHealth Representative: Sylvia Tiar, Tewksbury MassHealth Enrollment Center, 367 East Street, Tewksbury, MA 01876-1957, 978-863-9290

Appellant's Representative: [REDACTED]  
[REDACTED]