

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2305344
<b>Decision Date:</b>	12/01/2023	<b>Hearing Date:</b>	08/02/2023
<b>Hearing Officer:</b>	Christine Therrien	<b>Record Open to:</b>	10/10/2023

**Appearance for Appellant:**



**Appearance for MassHealth:**

Liz Landry, Taunton



*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>	Denied	<b>Issue:</b>	Eligibility - LTC
<b>Decision Date:</b>	12/01/2023	<b>Hearing Date:</b>	08/02/2023
<b>MassHealth's Rep.:</b>	Liz Landry	<b>Appellant's Rep.:</b>	
<b>Hearing Location:</b>	Taunton MassHealth Enrollment Center		

### 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 4/27/23, MassHealth denied the appellant's application for Long Term Care benefits because the appellant had more countable assets than MassHealth benefits allow. (130 CMR 516.001 and Exhibit 1). The appellant filed this appeal in a timely manner on 6/29/23. (130 CMR 610.015(B) and Exhibit 2). Denial of assistance is valid grounds for appeal. (130 CMR 610.032). The record was left open until 10/10/23 for the appellant to submit the missing verifications and have them reviewed by MassHealth. (Exhibit 6).

### Action Taken by MassHealth

MassHealth denied the appellant's LTC benefits because he has more countable assets than regulations allow.

### Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 520.003, in determining that the appellant has more countable assets than regulations allow.

## Summary of Evidence

The MassHealth representative testified that the appellant was admitted to the LTC facility on [REDACTED]/22 with a start date of 12/1/22. The MassHealth representative testified that the appellant was denied because he has more assets than the MassHealth program allows. The MassHealth representative testified that the appellant has two bank accounts with a total countable asset value of \$10,207.05 as of 3/31/23. The MassHealth representative testified that the appellant is over the \$2,000 asset limit.

The appellant's representative testified that the appellant was discharged from the facility on [REDACTED]/23. The appellant's representative testified that the appellant has been difficult to reach. The appellant's representative requested time to gather proof that the appellant's assets are under the limit.

The record was left open until 10/10/23 to allow time to submit proof of the appellant's assets and for MassHealth to review the information. The appellant's representative submitted a bank statement showing the appellant was still over assets with \$2,277.28 in his bank accounts when the record closed and requested a decision be issued. (Exhibit 7).

## Findings of Fact

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

1. The appellant was admitted to the LTC facility on [REDACTED]/22 with a start date of 12/1/22.
2. The appellant was denied because he has more assets than the MassHealth program allows.
3. The appellant has two bank accounts with a total countable asset value of \$10,207.05 as of 3/31/23.
4. The MassHealth representative testified that the appellant is over the \$2,000 asset limit.
5. The appellant was discharged from the facility on [REDACTED]/23.
6. The record was left open until 10/10/23 to allow time to submit proof of the appellant's assets and for MassHealth to review the information.
7. A bank statement was submitted showing the appellant's assets were \$2,277.28 at the time the record closed.

## Analysis and Conclusions of Law

“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” \$2,000 for an individual. (130 CMR 520.003(A)(1)). If an applicant for long-term-care benefits has more than \$2,000 in assets, they may reduce their assets and achieve eligibility per 130 CMR 520.004. 130 CMR 520.004(A) reads in part as follows:

### 130 CMR 520.004: Asset Reduction

#### (A) Criteria.

- (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 appellant had assets in his bank accounts in excess of \$2000 when the record closed. 130 CMR 518.008(A) states that the applicant must cooperate with MassHealth in providing the requested information to establish eligibility. Given that the appellant did not provide proof of his assets being within the MassHealth limits during the record open period this 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.

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Christine Therrien  
Hearing Officer  
Board of Hearings

cc:

MassHealth Representative: Justine Ferreira, Taunton MassHealth Enrollment Center. [REDACTED]  
[REDACTED]