

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision: Denied

Appeal Number: 2305718

Decision Date: 08/17/2023

Hearing Date: 07/25/2023

Hearing Officer: Alexis Demirjian

Appearance for Appellant:



Appearance for MassHealth:

Alfred Peach, Tewksbury 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:	Denied	Issue:	LTC 65+ - Start Date
Decision Date:	08/17/2023	Hearing Date:	07/25/2023
MassHealth's Rep.:	Alfred Peach	Appellant's Rep.:	[REDACTED]
Hearing Location:	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 22, 2023, MassHealth approved the appellant's application for MassHealth benefits with an effective start date of January 19, 2023. (see Exhibit 3). The appellant filed this appeal in a timely manner on June 5, 2023. (see 130 CMR 610.015(B) and Exhibit 2).¹ Scope and amount of assistance are valid grounds for appeal before the Board of Hearings. (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth approved the appellant for long-term care services with an effective start date of January 19, 2023.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 520.004, in determining that appellant's eligibility start date as January 19, 2023.

¹ Since the date of the notice predated the lifting of the Public Health Emergency, the appeal was allowed to be filed within a 120 day time frame consistent with the PHE wind down guidance.

Summary of Evidence

MassHealth testified that the appellant is a over aged 65, and at the time of the application was admitted to the nursing facility on [REDACTED] 2022. On January 6, 2023, MassHealth received the appellant's application for long-term care with a requested start date for services effective January 1, 2023.

On January 1, 2023, the appellant had countable assets totaling \$8,738.40 in two bank accounts. To qualify for benefits, applicants are required to have assets totaling \$2,000 or less. MassHealth maintains that according to the applicable regulations, the appellant had excess assets on the requested start date and could not be deemed eligible for MassHealth coverage until her assets were within the required limit.

On January 19, 2023, the appellant reduced her assets and became financially eligible for long-term care coverage. On March 22, 2023, MassHealth approved the appellant for long-term care coverage with an effective start date of January 19, 2023.

The appellant's daughter argued that the state should be required to pay for the appellant's long-term care effective January 1, 2023, because she was not informed that the appellant's assets would be considered to determine eligibility. The appellant's daughter did not contest that the appellant had over \$2,000 of assets until January 19, 2023.

Findings of Fact

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

1. The appellant is over the age of 65 and was admitted to the nursing facility on [REDACTED] 2022. (Testimony; Exhibit 4)
2. On January 6, 2023, the appellant applied for long-term care services with a requested coverage date of January 1, 2023. (Testimony; Exhibit 4)
3. The appellant had assets totaling more than \$2,000 on January 1, 2023. (Testimony; Exhibit 4)
3. On January 19, 2023, the appellant successfully spent down her assets. (Testimony; Exhibit 4).
4. On January 19, 2023, the appellant became financially eligible for long-term care coverage.

(Testimony; Exhibit 4).

Analysis and Conclusions of Law

Per 130 CMR 519.006(A)(4), to qualify for MassHealth Standard coverage as a resident of a long-term care facility, an individual must have countable assets of \$2,000 or less.

Asset Reduction

MassHealth regulations allow for applicant whose countable assets exceed the asset limit to reduce their assets to qualify for MassHealth benefits. See 130 CMR 520.004 (A).

Specifically,

- (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.

(Emphasis added.)

Here the appellant was a resident of a nursing facility and applied for MassHealth benefits on January 6, 2023. The application sought an effective eligibility start date of January 1, 2023. On January 1, 2023, the appellant had assets exceeding \$2,000. The appellant continued to have assets in excess of the \$2,000 limit until January 19, 2023. Thus, the appellant had access to assets which could have been directed towards her care from January 1, 2023 – January 18, 2023.

Pursuant to 130 CMR 520.004 (A)(1) (a), an individual who was determined ineligible for coverage due to excess assets may become eligible 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). MassHealth did not assert that

the appellant violated the transfer of asset provisions in 130 CMR 520.019 (F).

Based on the uncontested facts, the appellant only became financially eligible when her assets were spent down on January 19, 2023. Thus, the appellant was not entitled to MassHealth coverage prior to January 19, 2023. Accordingly, MassHealth did not err by determining the appellant's effective coverage date begin on January 19, 2023.

For those reasons, MassHealth's decision shall not be disturbed, and 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.

Alexis Demirjian
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 Representative: [REDACTED]