

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Approved	<b>Appeal Number:</b>	2401200
<b>Decision Date:</b>	6/24/2024	<b>Hearing Date:</b>	03/04/2024 & 05/23/2024
<b>Hearing Officer:</b>	Casey Groff, Esq.	<b>Record Closed:</b>	05/31/2024

**Appearance for Appellant:**




**Appearance for MassHealth:**

Lori VanZile, Quincy MassHealth Enrollment  
Center



*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>	Approved	<b>Issue:</b>	Eligibility; LTC; Excess Assets; Community Spouse Resource Allowance; MMMNA
<b>Decision Date:</b>	6/24/2024	<b>Hearing Date:</b>	03/04/2024
<b>MassHealth's Rep.:</b>	Lori VanZile	<b>Appellant's Rep.:</b>	
<b>Hearing Location:</b>	Board of Hearings (Remote)	<b>Aid Pending:</b>	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 1/10/24, MassHealth denied Appellant's application for MassHealth LTC benefits because it determined that he had countable assets that exceeded program limits. See 130 CMR 520.016(B); Exhibit 1, p. 4-8. Appellant, through his power-of-attorney (POA), appealed the notice in a timely manner on 1/24/24, and designated his attorney as his appeal representative. See 130 CMR 610.015(B); Exh. 1, pp. 2, 10-16. Denial of assistance, and a request for an adjustment to the community spouse resource allowance (CSRA), are valid grounds for appeal. See 130 CMR 520.017; 130 CMR 610.032.

A hearing was initially scheduled to take place on 2/23/24. See Exh. 2. At the request of Appellant's attorney, the hearing was rescheduled to 3/4/24. See Exh. 3-4. At the conclusion of the hearing on 3/4/24, the record was held open for additional submissions. See Exh. 8. It was subsequently determined that another hearing was necessary for the parties to address issues raised in the record open period. See Exhs. 9 – 11. Accordingly, the hearing was reconvened on 5/23/24 and, on review of additional submissions, the record closed on 5/31/24. See Exhs 11-14.

### Action Taken by MassHealth

MassHealth denied Appellant's application for LTC benefits because it determined that his countable assets exceeded program limits.

## Issue

The issues on appeal are (1) whether MassHealth was correct in determining that Appellant's assets exceeded program limits, and (2) whether Appellant and his community spouse qualify for an adjustment to the asset allowance.

## Summary of Evidence

A MassHealth eligibility representative appeared at hearing<sup>1</sup> via telephone and testified as follows: Appellant is over the age of 65 and a current resident of a nursing facility. On 9/29/23, MassHealth received an application on behalf of Appellant seeking coverage of long-term care (LTC) benefits effective 7/1/23. See Exh. 7. Appellant has a community spouse (CS) that lives in an assisted living facility (ALF). See Exh. 6. In determining Appellant's eligibility, MassHealth identified that Appellant and his spouse, the CS, owned various accounts and resources that held a combined value of \$348,686.97. Id. The calculation was based on account balances reflected in the most recent bank statements from October and November of 2023. See Exh. 6. From the total asset amount, MassHealth subtracted the standard Community Spouse Resource Allowance (CSRA), as well as the \$2,000 standard individual asset limit. See id. For 2023, the CSRA was \$148,620. In 2024, the CSRA increased to \$154,140. Exh. 6. After the deductions, MassHealth concluded that Appellant had excess assets in the amount of \$192,546.97. See id. Accordingly, on 1/10/24, MassHealth denied Appellant's application because it determined that Appellant had countable assets that exceeded the program limit. See Exh. 1.

At the reconvened hearing on 5/23/24, MassHealth provided an updated total spousal asset amount of \$340,689.85 based on updated account balances from January 2024. See Exh. 14. MassHealth also provided spousal income information showing that Appellant received Social Security income of \$2,372.90 and a monthly pension of \$1,456; with a monthly Blue Cross Blue Shield (BCBS) premium of \$376.89 for 2023 and \$401.57 for 2024. The CS received monthly Social Security income of \$1,067.90. See id. Because the application was denied, MassHealth did not calculate a spousal maintenance needs allowance (SMNA), as this action is performed only when an individual has been deemed eligible for benefits for purposes of calculating a patient paid amount (PPA). Had Appellant been eligible, MassHealth would have reviewed the CS's expenses, and, based off such expenses, set the CS's "minimum monthly maintenance needs allowance" (MMMNA) at the regulatory maximum of \$3,715.50. See Exh. 6. If Appellant had been approved

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<sup>1</sup> Unless expressly stated, the term "hearing" is intended to encompass both proceedings held on 3/4/24 and 5/23/24 and any events between related to the record-open period.

for LTC, this would have resulted in a monthly SMNA of \$2,785.60. Id. The MassHealth representative explained that she does not have authority to exceed the regulatory maximum MMMNA or CSRA amounts which are imposed by federal standards, as these amounts may only be increased as a result of a decision through BOH.

Counsel for Appellant argued that Appellant's spouse, the CS, is entitled to an increase in both her MMMNA and the standard CSRA so that she may generate sufficient income to meet her monthly maintenance needs and allow her to remain in the community. Shifting both income and the remaining excess assets to the CS would render Appellant financially eligible for LTC benefits.<sup>2</sup>

First, Counsel argued that the CS is "chronically ill" with multiple medical conditions that significantly increase her maintenance needs expenses. Clinical information presented by Appellant, including the CS's ALF service plan, shows that the CS has primary diagnoses that include breast cancer, chronic obstructive pulmonary disease (COPD), heart disease, paroxysmal supraventricular tachycardia, liver disease, cirrhosis, osteoarthritis, osteoporosis, acute cerebrovascular insufficiency, and non-traumatic chronic subdural hemorrhage. See Exh. 5, Attm. 2, p. 43. Given her conditions and need for assistance with activities of daily living (ADLs), it is medically necessary that she reside in an ALF.

Through the hearing process, Counsel provided evidence showing that from January 2023 through August of 2023, the CS paid rent at her ALF at \$6,355 per-month, and after transitioning to a new ALF, paid \$5,150 per month from September 2023 to December 2023. See Exhs. 5 and 13(a). The CS paid a total ALF amount of \$67,705 for 2023, amounting to an average monthly rent of \$5,642.08. See Exh. 13(a). On 1/1/24, the CS's monthly ALF fee increased to \$5,665 for an anticipated total annual ALF rental payment of 67,980.00. See Exh. 5 and 13(a). Additionally, Appellant submitted copies of the ALF residency agreement, service plan, and fee schedule, showing that her monthly service fees, referred to above, was inclusive of costs for utilities, health assessments, housekeeping services, and up to 45 minutes of personal care assistance per day. See Exh. 5, Attm. 2, p. 35. The fee did not include personal laundry services, concierge services, unscheduled transportation, or guest meals, which were available at the ALF at additional costs. See id.

During the record open period, Counsel submitted evidence of additional expenses related to CS's declining health and medical needs that would cause undue hardship without her ability to access Appellant's income. See Exhs. 10(a) and 13(a). Appellant provided the applicable figures for both 2023 and 2024. Such expenses included a "Clear Guidance" expense of \$2,625 from 2023, which Counsel explained was an initial fee related the CS's ALF admission; \$507.95 in annual pharmacy prescription co-payments; \$873.00 in annual non-covered dental services; \$18.12 per-year in primary care co-payments; a monthly Medicare premium of \$164.90 for 2023 and 175.70 for 2024

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<sup>2</sup> Appellant's attorney did not dispute the asset figures presented by MassHealth or its conclusion that Appellant had excess assets as of the 7/1/23 requested start date through the 1/10/24 denial.

(for a total annual Medicare premium expense of \$1,978.80 and \$2,096.40, respectively), and a monthly BCBS premium of \$376.89 for 2023 and \$401.57 for 2024 (resulting in annual BCBS premium expenses of \$4,522.62 and \$4,818.84, respectively).<sup>3</sup> See Exh. 13(a). Counsel argued that if the CS cannot maintain her health insurance premiums, her medical costs will rise substantially. Appellant submitted copies of the receipts, invoices, and benefit award letters to substantiate each of the identified expenses. See id.

Counsel asserted that the aforementioned expenses, which stem from the CS's extraordinary circumstances, result in an actual monthly maintenance needs expense of approximately \$6,519.20 for 2023 (or \$78,230.49 per-year) and \$6,576.60 for 2024 (or \$78,919.31 per-year). See id. These figures represent the amount the CS needs in order to remain in the community and justify an increase in regulatory maximum MMNA.

Counsel asserted that the CS is unable to meet her monthly maintenance needs expense from all income sources available; specifically, her income,<sup>4</sup> Appellant's income (less his PNA deduction), and the monthly income that could be generated by earning interest on the standard asset allowance. In determining the potential interest income that could be generated from the CSRA, Appellant provided information obtained from the Bank Rate Monitor Index (BRMI), which showed that the prevailing deposit yield percentage quoted for a money market account was 4.25%. See Exh. 5, pp. 56-57. The BRMI also showed that the highest deposit yield quoted for any term not to exceed 2½ years was a certificate of deposit (CD) with a term of two-years at 4.85%. See id. at 79-80. According to Appellant's "Increased CSRA Calculations" worksheet, Counsel applied a 4.5% interest rate to the entirety of the standard CSRA of \$148,620.00, resulting in annual interest income of \$6,687.90 or \$557.33 per month. See id. at 51.

Appellant's attorney requested that the hearing officer increase the CSRA limit by the amount of additional assets that would generate sufficient income to remedy, or reduce, the community spouse's shortfall in meeting his monthly expense. Counsel submitted a spreadsheet showing that even if the CS were to retain the entire excess asset amount as part of the CSRA and invest it in a CD with a 4.85% interest rate, she would still be subject to a monthly shortfall. See id. Therefore, Appellant argued, the CSRA may be increased by the entire amount of excess assets.

## Findings of Fact

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

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<sup>3</sup> The BCBS figure used here accounts for only half of the actual premium as Appellant is also covered under the plan.

<sup>4</sup> At hearing, Counsel for Appellant used the CS's net Social Security income, which was \$903.00 per-month in 2023 and \$927.00 for 2024.

1. Appellant is over the age of 65 and a current resident of a nursing facility. (Testimony; Exhs. 5 and 6).
2. Appellant has a community spouse that lives in an assisted living facility. (Testimony; Exhs. 5, 6, and 13).
3. It is medically necessary for the CS to reside at an assisted living level of care due to her multiple diagnoses including breast cancer, COPD, heart disease, paroxysmal supraventricular tachycardia, liver disease, cirrhosis, osteoarthritis, osteoporosis, acute cerebrovascular insufficiency, and non-traumatic chronic subdural hemorrhage. (Exh. 5, Attm. 2, p. 43).
4. On 9/29/23, MassHealth received an application from Appellant seeking coverage of LTC benefits effective 7/1/23. (Testimony; Exh. 6).
5. Through the application process, MassHealth verified that, based on bank statements dated November and October 2023, Appellant had total countable assets of \$348,686.97. (Exh. 6).
6. For 2023, the standard CSRA was \$148,620 and in 2024, the standard CSRA increased to \$154,140. (Exh. 6).
7. After deducting a CSRA of \$154,140 and individual maximum asset limit of \$2,000, MassHealth found that Appellant had excess assets of \$192,546.97, and thereby denied his application for LTC benefits on 1/10/24. (Exh. 1).
8. Appellant's total countable assets decreased to \$340,689.85 in January 2024. (Exh. 14).
9. For 2023, the fee to reside at the CS's ALF was \$67,705, amounting to an average monthly fee of \$5,642.
10. In 2023, Appellant paid a fee of \$2,625 to "Clear Guidance" related to the initial placement in her ALF.
11. On 1/1/24, Appellant's monthly ALF fee increased to \$5,665.
12. The CS has additional annual medical expenses of approximately \$507.95 in pharmacy prescription medication co-payments; \$873.00 in non-covered dental services; \$18.12 in primary care co-payments; resulting in an average monthly cost of \$118 in out-of-pocket medical expenses.
13. The CS pays a Medicare premium of \$164.90 for 2023 and \$175.70 for 2024, and a

monthly BCBS premium of \$376.89 for 2023 and \$401.57 for 2024; for combined monthly premium totals of \$541.79 for 2023, and \$577.27 for 2024.

14. If the CS cannot pay her insurance premiums, her medical costs will rise substantially.
15. The sum of the additional health-related expenses, including both insurance premiums and out-of-pocket medical expenses, amounts to \$659.79 per-month for 2023 and \$695.27 per-month for 2024.
16. The CS receives monthly gross Social Security income of \$1,067.90. (Exh. 6 and 14).
17. Appellant receives a gross Social Security income of 2,372.90 per-month and a gross pension of \$1,456 from 2023, which increased to \$1,488.00 in 2024 for a combined monthly gross income of \$3,828.90 and \$3,860.90, for 2023 and 2024, respectively. (Exh. 14).
18. The PNA deduction for MassHealth LTC residents is \$72.80. (Testimony).
19. Like the CS, Appellant also has a BCBS premium of \$376.89 for 2023 and \$401.57 for 2024. (Exh. 13(a) and 14).
20. The maximum monthly maintenance needs allowance per federal standards, for all relevant times, was \$3,715.50. (Exh. 6 and 14).
21. As of the hearing date, the current deposit yield quoted in the BRMI for a money market account was 4.25%. (Exh. 5, pp. 57-59).
22. As of the hearing date, the highest deposit yield quoted in the BRMI for any term not to exceed 2½ years was 4.85% on a two-year certificate of deposit. (Exh. 5, pp. 79-81).

## **Analysis and Conclusions of Law**

In determining whether an institutionalized married applicant is financially eligible for MassHealth long-term care (LTC) benefits, the MassHealth agency will assess the total amount of combined countable assets held by the applicant and/or their spouse. MassHealth includes all countable assets in this assessment, regardless of the form of ownership between the couple. See 130 CMR 520.016(B)(2). When an institutionalized applicant's spouse resides in the community, MassHealth will also determine the amount of assets that may be kept by the community spouse. This asset amount, otherwise referred to as the community spouse resource allowance (CSRA) is treated as unavailable to the institutionalized spouse for purposes of determining eligibility for MassHealth Standard. See id. At the time of Appellant's LTC application, the maximum CSRA permitted by

regulation was \$148,620.00 and in 2024, the maximum CSRA increased to \$154,140.<sup>5</sup> See SSI and Spousal Impoverishment Standards (2023, 2024).

Upon reviewing Appellant's assets, MassHealth determined Appellant and his CS had combined countable assets of \$348,686.97 for 2023. See Exh. 1. Pursuant to its 1/10/24 determination, MassHealth deducted a \$2,000 individual limit and the maximum CSRA of \$154,140 from Appellant's total countable assets, to arrive at a total excess asset amount of \$192,546.97. Id. On this basis, MassHealth denied Appellant's application for LTC services. Id. At hearing, updated figures were provided to show that by the end of January 2024, Appellant's total countable asset amount had decreased to \$340,689.85. See Exh. 14. Applying the same deductions used in the 1/10/24 notice, Appellant's updated excess asset amount would be: \$184,549.85. The 2023 and 2024 calculations are summarized in the below table:

	2023	2024
Total Countable Assets	\$348,686.97	\$340,689.85
Individual Limit	-2,000	-2,000
CRSA	(\$148,620.00)	(\$154,140.00)
<b>Excess Asset</b>	<b>\$198,066.97</b>	<b>\$184,549.85</b>

Appellant does not dispute that he and the CS own assets in excess of the regulatory limits, stated above. Rather, Appellant has invoked his right under 130 CMR 520.017 to seek an increase in the standard CSRA. Appellant argues that he is entitled to an adjustment to the CSRA, such that it would reduce his excess asset amount to render him financially eligible for benefits. The relevant MassHealth regulation states the following:

130 CMR 520.017: Right to Appeal the Asset Allowance or Monthly-Maintenance Needs Allowance:

(A) Request for an Adjustment to the Community Spouse's Asset Allowance.

After the institutionalized spouse has applied for MassHealth Standard and has received a notice of approval or denial for MassHealth Standard, either spouse may appeal to the Board of Hearings to request an adjustment to the asset allowance. The purpose of the adjustment is to generate sufficient income, as determined by the MassHealth, for the community spouse to remain in the community.

(B) Minimum-Monthly-Maintenance-Needs Allowance

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<sup>5</sup> The 2023 figures are publicly available at:

<https://www.medicaid.gov/federal-policy-guidance/downloads/cib051123.pdf>

The 2024 figures are publicly available at:

<https://www.medicaid.gov/federal-policy-guidance/downloads/cib05222024.pdf>



The minimum-monthly-maintenance-needs allowance is the amount needed by the community spouse to remain in the community. This amount is based on a calculation that includes the community spouse's shelter and utility costs in addition to certain federal standards, in accordance with 130 CMR 520.026(B)(1).

(C) Adjustment of the Amount of Asset Allowance

If either spouse claims at a fair hearing that the amount of income generated by the community spouse's asset allowance as determined by the MassHealth is inadequate to raise the community spouse's income to the minimum-monthly-maintenance-needs allowance, the fair-hearing officer will determine the gross income available to the community spouse as follows.

- (1) The fair-hearing officer will determine the gross amount of income available to the community spouse. The fair-hearing officer includes the amount of the income that would be generated by the spouse's asset allowance if \$10,000 of the asset allowance were generating income at an interest rate equal to the deposit yield quoted in the Bankrate Monitor National Index as of the hearing date for money market accounts, and if the remainder of the spouse's asset allowance were generating income at an interest rate equal to the highest deposit yield quoted in the Bankrate Monitor National Index as of the hearing date for any term not to exceed two and one-half years.
- (2) If the community spouse's gross income is less than the minimum-monthly-maintenance-needs allowance (MMMNA), then the fair-hearing officer will allow an amount of income from the institutionalized spouse (after the personal-needs deduction described in 130 CMR 520.026(A)) that would increase the community spouse's total income to equal, but to exceed, the MMMNA. 130 CMR 520.017(C)(2) will apply to all hearings held on or after September 1, 2003, regardless of the date of application.
- (3) If after the fair-hearing officer has increased the community spouse's gross income under 130 CMR 520.017(C)(1) and (2), the community spouse's gross income is still less than the MMMNA, then the fair hearing officer will increase the community spouse's asset allowance by the amount of additional assets that, if invested at the highest rate quoted in the Bankrate Monitor Index as of the date of the hearing date, would generate sufficient income to raise the income total to the MMMNA.

Before determining what amount, if any, of Appellant's excess assets may be shifted to increase the spousal asset allowance, it is first necessary to ascertain the correct minimum monthly maintenance needs allowance (MMMNA) for the CS. MassHealth correctly testified that the MMMNA is capped at \$3,715.50 as set by federal standards and incorporated into MassHealth regulation. See 2023 SSI and Spousal Impoverishment Standards. However, the fair hearing process allows for an applicant and/or their spouse to increase the MMMNA when exceptional circumstances exist. See 130 CMR 520.017(D)(1). Because the federal standard factors in necessities, such as shelter and utilities, "*exceptional circumstances*" must be "*limited to*

*necessities that arise from the medical condition, frailty, or similar special needs of the community spouse” and which cause significant financial duress. Id. (emphasis added).*

Based on evidence submitted, Appellant sufficiently demonstrated that exceptional circumstances exist to warrant an increase in the community spouse’s MMMNA. Specifically, Appellant submitted clinical documentation detailing that his CS has a myriad of diagnoses and medical conditions that impair her ability to live in a more independent setting within the community. See Exh. 5. The cost for the CS to reside in the ALF in 2023 was, on average, \$5,642 per-month, and, for 2024 increased to \$5,665 per-month. Appellant also demonstrated that the CS’s added necessary expenses, which are not included in the standard MMMNA, but arise from her medical condition and frailty, are monthly health insurance premiums totaling \$541.79 for 2023 and \$577.27 for 2024, as well as out-of-pocket medical expenses of approximately \$118 per-month. Considering these expenses, the CS’s actual MMMNA for 2023 was \$6,301.87 and \$6,360.27 for 2024, as reflected in the table below:<sup>6</sup>

Expenses	2023	2024
ALF Rent	\$5,642.08	\$5,665.00
Monthly premiums	\$541.79	\$577.27
Out-of-pocket medical expenses	\$118	\$118
<b>Actual MMMNA</b>	<b>\$6,301.87</b>	<b>\$6,360.27</b>

Appellant demonstrated that the above expenses would cause the CS significant financial duress without her ability to access Appellant’s income or the excess marital asset amounts. See Exh. 5. As such, Appellant has demonstrated that his spouse’s MMMNA may be increased to \$6,301.87 and \$6,360.27 for 2023 and 2024 respectively, as these reflect the amount of income the CS needs to remain in the community.

The first step, under the formula outlined in subsection (C)(1) of 130 CMR 520.017 above, is to determine whether the CS has sufficient income to meet her MMMNA. Specifically, the CS receives Social Security income of \$1,067 per-month. See Exh. 6. Additionally, if she were to place the first \$10,000 of the applicable CSRA in a money market account with a deposit yield of

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<sup>6</sup> Appellant did not provide sufficient evidence or explanation on the basis for the one-time “Clear Guidance” payment of \$2,625 in 2023 for it to be considered an expense arising out of Appellant’s medical frailty or other extraordinary circumstance. Additionally, there is no evidence that Appellant would have to incur this expense in 2024. Additionally, the income amounts used for purposes of this decision are the gross income amounts, and do not automatically include various deductions as Appellant initially presented in Exh. 5 and related attachments. Although Appellant demonstrated that the CS’s health insurance premiums, when factored with her overall condition and other expenses, may be considered a basis for increasing her MMMNA, it is noted that the same premium payment amounts, which are owed by Appellant, and which may be considered in determining his PPA, have not been factored into this decision. Only his PNA of \$72.80 is deducted for purposes of this decision, as permitted under 130 CMR 520.017.

4.25%, she could generate interest income of \$35.40 per-month.<sup>7</sup> If she were to place the remaining amount of the applicable (2023 or 2024) CSRA into a CD with a deposit yield of 4.85%, she could generate an additional \$560.25 for 2023 and \$582.56 for 2024.<sup>8</sup> The interest would give the CS additional income of \$595.65 for 2023 and \$617.96 for 2024, for a combined monthly income of \$1,662.65 and \$1,684.96 for 2023 and 2024, respectively. With both sources of income, the CS cannot meet her 2023 and 2024 MMMNAs of \$6,301.87 and \$6,360.27.

Accordingly, under subsection (C)(2), above, Appellant is permitted to allocate his income, less his PNA deduction, to his CS to the extent it will reduce her shortfall. See 130 CMR 520.017(C)(2). Appellant's total gross monthly income for 2023 and 2024, respectively, was/is \$3,828.90 and \$3,860.90. After deducting his \$72.80 PNA amount, the CS has additional spousal income of \$3,756.10 and \$3,788.10, respectively to meet her MMMNA. As reflected in the below table, if the CS were to combine all income sources together, she would still need additional income of \$882.22 for 2023 and \$887.27 for 2024 to meet her MMMNA.

	<b>2023</b>	<b>2024</b>
CS income & CSRA Interest	1,663.55	1,685
Appellant Income less PNA	3,756.10	3,788
<b>Total Income Available</b>	<b>5,419.65</b>	<b>5,473</b>
<b>CS MMMNA</b>	<b>6301.87</b>	<b>6360.27</b>
	-5,419.65	-5,473
<b>Shortfall</b>	<b>882.22</b>	<b>887.27</b>

With a shortfall remaining, the CSRA may be increased by the amount of additional assets, that, if invested at the highest rate quoted in the BRMI as of the hearing date, would generate sufficient income to raise the total to the MMMNA. See 130 CMR 520.017(C)(3). As evidenced at hearing, the highest rate quoted is 4.85% if deposited into a CD with a term of two-years. Investing Appellant's entire excess asset amount of \$198,066.97 for 2023 and \$184,549.85 for 2024 under such terms, would yield respective annual interest income returns of \$9,606.18 and \$8,950.66, amounting to monthly interest income amounts of \$800.51 and \$745.88.<sup>9</sup>

As the below table shows, with the additional income generated from the excess assets, the CS would have a total income of \$6,220.16 for 2023 and \$6,218.94 for 2024 which are both less than

<sup>7</sup> The monthly interest income earned on the first \$10,000 of the CSRA is calculated as follows:  $[(10,000 \times .0425)/12] = \$35.40$ .

<sup>8</sup> The monthly interest income earned on the remaining CSRA was calculated as follows:

- 2023:  $[(\$138,620 \times .0485) / 12] = \$560.25$

- 2024:  $[(\$144,140 \times .0485) / 12] = \$582.56$

<sup>9</sup> These figures were calculated as follows:

- 2023:  $(198,066.97 \times .0485) / 12 = 800.51$

- 2024:  $(184,549.85 \times .0485) / 12 = 745.88$

her corresponding MMMNAs:

	2023	2024
Combined Spousal Income with CSRA Interest Income	\$5,419.65	\$5,473
Interest Income from Excess Assets	\$800.51	\$745.88
<b>Total Income Available</b>	<b>\$6,220.16</b>	<b>\$6,218.94</b>
<b>CS MMMNA</b>	<b>\$6301.87</b>	<b>\$6360.27</b>
	-\$6,220.16	-\$6,218.94
<b>Shortfall</b>	<b>\$81.71</b>	<b>\$141.33</b>

The income generated from the excess assets is still insufficient to meet the CS's MMMNA. Rather, the amount of assets needed to generate income to satisfy the 2023 annual shortfall would be: \$218,281.237.<sup>10</sup> For 2024, the amount of assets needed to generate income to satisfy the CS's shortfall is \$219,463.918.<sup>11</sup> As such, the CS may retain all the excess assets for a total adjusted CSRA up to \$218,281.237 for 2023 and \$219,463.918 for 2024. The adjusted CSRA amounts must "not be considered available to the institutionalized spouse [i.e., Appellant] for purposes of determining eligibility for MassHealth..." 130 CMR 520.016(B)(2).

The appeal is APPROVED.

## Order for MassHealth

Rescind 1/10/24 notice. Allow the CS to retain all Appellant's income, less applicable deductions, and allow CS to retain all excess assets up to the total adjusted CSRA amounts of \$218,281.237 for 2023 and \$219,463.918 for 2024. Proceed to determine eligibility.

## Implementation of this Decision

If this decision is not implemented within 30 days after the date of this decision, you should contact your MassHealth Enrollment Center. If you experience problems with the implementation of this decision, you should report this in writing to the Director of the Board of Hearings, at the address on the first page of this decision.

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<sup>10</sup> This amount is calculated as follows:  $882.22 \times 12 = 10,586.64 / .0485 = \$218,281.237$

<sup>11</sup> The 2024 amount is calculated as follows:  $887.27 \times 12 = 10,644 / .0485 = \$219,463.918$

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Casey Groff, Esq.  
Hearing Officer  
Board of Hearings

cc:

MassHealth Representative: Quincy MEC, Attn: Appeals Coordinator, 100 Hancock Street, 6th Floor, Quincy, MA 02171

[REDACTED]