

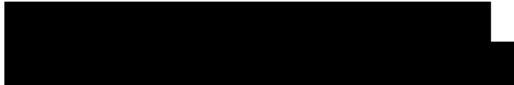
# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2413878
<b>Decision Date:</b>	01/03/2025	<b>Hearing Date:</b>	10/10/2024
<b>Hearing Officer:</b>	Kimberly Scanlon	<b>Record Open to:</b>	11/8/2024

**Appearances for Appellant:**



**Appearance for MassHealth:**

Lynn Bloomquist – 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

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	Eligibility; Over 65; Long-term Care; Over asset
<b>Decision Date:</b>	01/03/2025	<b>Hearing Date:</b>	10/10/2024
<b>MassHealth's Rep.:</b>	Lynn Bloomquist	<b>Appellant's Reps.:</b>	[REDACTED]
<b>Hearing Location:</b>	Tewksbury MassHealth Enrollment Center Room 3 (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 August 15, 2024, MassHealth notified the appellant that he did not qualify for long-term care services because MassHealth determined that he has more countable assets than MassHealth allows. (130 CMR 520.003; 520.004; Exhibit 1). The appellant filed this appeal in a timely manner on September 9, 2024. (130 CMR 610.015(B); Exhibit 2). Denial of assistance is valid grounds for appeal. (130 CMR 610.032).

### Action Taken by MassHealth

MassHealth notified the appellant that he did not qualify for MassHealth benefits because his assets exceeded the allowable program limits.

### Issue

The appeal issue is whether MassHealth was correct in determining that the appellant is over the allowable asset limit to qualify for MassHealth benefits.

## **Summary of Evidence**

The MassHealth representative and the appellant's representatives appeared at the hearing by telephone and testified as follows: The appellant is a single individual who is over the age of 65. On April 25, 2024, MassHealth received the appellant's application for long-term care services, with a requested start date of February 29, 2024 (Exhibit 6, p. 30). On August 15, 2024, MassHealth determined that the appellant is over the allowable asset limits to receive MassHealth long-term care benefits (Exhibit 1). The appellant's reported assets include two bank accounts with balances of \$10,270.00 and \$38,725.00, respectively, totaling \$48,995.74. (Exhibit 6, pp. 1, 31-34). To be eligible for MassHealth benefits, the appellant's assets cannot exceed \$2,000.00. The MassHealth representative explained that after deducting the \$2,000.00 allowed for a household of one, the appellant's excess assets total \$46,995.74. (See, Exhibit 1, p. 4). MassHealth notified the appellant in the August 15<sup>th</sup> notice that he may be eligible to receive MassHealth benefits if he were to reduce his assets to \$2,000.00 within 30 days. (Exhibit 1, p. 1). To date, MassHealth has not received any documentation from the appellant indicating that his assets have been reduced. (Exhibit 8).

The appellant's representatives testified that the appellant has the funds available; however, he has refused to spend down his assets. They explained that the social worker at the facility has investigated filing for a conservatorship to assist with this situation.

Following the hearing the record was left open for a brief period for the appellant to submit documentation to MassHealth verifying that his assets have been spent down to the allowable asset limit of \$2,000.00. (Exhibit 7). The MassHealth representative subsequently reported that MassHealth did not receive any further documentation from the appellant showing that his assets have been spent down. (Exhibit 8).

## **Findings of Fact**

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

1. The appellant is a single individual who is over the age of 65.
2. On April 25, 2024, the appellant applied for MassHealth long-term care benefits with a requested start date of February 29, 2024.
3. On August 15, 2024, MassHealth notified the appellant that he is not eligible to receive

long-term care benefits due to excess assets.

4. To be eligible for MassHealth benefits, a single applicant's assets cannot exceed \$2,000.00.
5. The appellant's assets exceed \$2,000.00 by \$46,995.74.
6. The appellant may be eligible for long-term care benefits if he reduces his assets to the allowable limit of \$2,000.00.
7. The appellant timely appealed MassHealth's denial notice.
8. The record was left open for the appellant to submit documentation verifying the asset spend-down.
9. MassHealth did not receive any documentation showing that the appellant's assets have been reduced to the allowable limit of \$2,000.00.

## **Analysis and Conclusions of Law**

The regulations at 130 CMR 515.000 through 520.000 provide the requirements for MassHealth eligibility for persons aged 65 and older. (130 CMR 515.002). An institutionalized person aged 65 and older may establish eligibility for MassHealth Standard coverage if the countable assets of an individual are \$2,000.00 or less. (130 CMR 519.006). At the hearing, MassHealth presented unrefuted evidence that the appellant's verified assets exceed the \$2,000.00 limit. The appellant was granted a post-hearing record-open period to verify to MassHealth that his assets have been reduced to the allowable limit of \$2,000.00. The appellant did not submit any documentation showing that his assets have been reduced. Thus, the appellant has not demonstrated that he is currently eligible for MassHealth long-term care benefits.

I find that the action taken by MassHealth was within the regulations. 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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Kimberly Scanlon  
Hearing Officer  
Board of Hearings

CC:

[REDACTED]

[REDACTED]

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