

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2417078
<b>Decision Date:</b>	3/6/2025	<b>Hearing Date:</b>	12/09/2024
<b>Hearing Officer:</b>	Alexandra Shube	<b>Record Open to:</b>	02/28/2025

**Appearance for Appellant:**



**Appearance for MassHealth:**

*Via Telephone:*  
Mary Vieira, Taunton 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>	LTC; Excess Assets
<b>Decision Date:</b>	3/6/2025	<b>Hearing Date:</b>	12/09/2024
<b>MassHealth's Rep.:</b>	Mary Vieira	<b>Appellant's Rep.:</b>	[REDACTED]
<b>Hearing Location:</b>	Taunton MassHealth Enrollment Center, 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 October 16, 2024, MassHealth denied the appellant's application for MassHealth benefits because MassHealth determined that she was over the allowable asset limit (see 130 CMR 520.003 and Exhibit 1). The appellant filed this appeal in a timely manner on November 6, 2024 (see 130 CMR 610.015(B) and Exhibit 2). Denial of assistance is valid grounds for appeal (see 130 CMR 610.032).

At the request of the appellant's representative, the record was held open until January 10, 2025 for the appellant's representatives to submit proof of spend down. MassHealth was given until January 17, 2025 to review and respond to the appellant's submission. A final extension was granted for the appellant until February 14, 2025 and until February 28, 2025 for MassHealth.

### Action Taken by MassHealth

MassHealth denied the appellant MassHealth benefits because she was over the allowable asset limit.

## Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 520.003, in determining that the appellant was over assets to qualify for MassHealth benefits.

## Summary of Evidence

The representatives for the appellant and MassHealth both appeared at hearing via telephone. The MassHealth representative testified as follows: the appellant is an individual over the age of ■ and a resident of a nursing facility. On June 4, 2024, MassHealth received an application for long-term care benefits on behalf of the appellant, requesting a start date of May 23, 2024. On October 16, 2024, MassHealth denied the appellant's application for being over the allowable asset limit. This is the notice under appeal. Specifically, the appellant has an IRA and an annuity that are putting her over the \$2,000 asset limit. Combined, her assets are \$248,371.25, putting her \$246,371.25 over the allowable limit. MassHealth requires proof that the assets have been spent down and she is within the allowable limit.

The appellant's representative did not dispute the asset amount, but stated that he is working with the appellant's family on getting the assets reduced. He requested a record open period to allow him time to reduce the assets.

The record was initially held open until January 10, 2025 for the appellant to submit verifications showing proof of spend down and until January 17, 2025 for MassHealth to review and respond. On January 9, 2025, the appellant submitted some documentation on the IRA distribution but requested additional time to complete the spend down. A final extension was granted until February 14, 2025 for the appellant and until February 28, 2025 for MassHealth. At the close of the record open period, the MassHealth representative reported that she had not received any verifications showing that the appellant was within the allowable asset limit. There were no further communications from the appellant's representative since the request for an extension was granted.

## Findings of Fact

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

1. The appellant is an individual over the age of ■ and is a resident of a nursing facility (Testimony and Exhibit 4).
2. On June 4, 2024, MassHealth received a long-term care application on behalf of the appellant (Testimony and Exhibit 5).

3. On October 16, 2024, MassHealth denied the application for being over the allowable asset limit (Testimony and Exhibit 1).
4. The appellant had \$248,371.25 in assets, putting her \$246,371.25 over the \$2,000 asset limit (Testimony and Exhibit 1).
5. On November 6, 2024, the appellant timely appealed the denial notice (Exhibit 2).
6. The appellant has an IRA and annuity that are putting her over the allowable asset limit (Testimony).
7. The record was initially held open until January 10, 2025 for the appellant to provide proof of spend down. It was then extended, at the request of the appellant, until February 14, 2025. (Testimony and Exhibits 5 and 6).
8. At the close of the record open period, the MassHealth representative had not received any verifications showing that the appellant was within the allowable asset limit (Exhibit 6).

## **Analysis and Conclusions of Law**

Pursuant to 130 CMR 520.003(A), 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. Furthermore, 130 CMR 520.004 states the following regarding 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...

MassHealth denied the appellant's application for being over the allowable asset limit. At hearing, MassHealth testified that the appellant was \$246,371.25 over the allowable asset limit due to an IRA and annuity. The appellant did not dispute this asset amount and was given additional time through a record open period to provide proof of spend down. At the close of the

record open period (over eight months from the date of the application), the appellant had not provided sufficient verification to show that she was within the allowable \$2,000 asset limit. Based on testimony and available documentation, the appellant is still over the allowable asset limit 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.

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Alexandra Shube  
Hearing Officer  
Board of Hearings

cc: [REDACTED]  
[REDACTED]

MassHealth Representative: Justine Ferreira, Taunton MassHealth Enrollment Center, 21 Spring St., Ste. 4, Taunton, MA 02780