

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Approved	Appeal Number:	2419428
Decision Date:	04/18/2025	Hearing Date:	January 22, 2025
Hearing Officer:	Stanley M. Kallianidis	Record Open Date:	April 7, 2025

Appellant Representative:



MassHealth Representative:

Michelle Benevides, Taunton



*Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
Board of Hearings
100 Hancock Street, 6th Floor
Quincy, MA 02171*

APPEAL DECISION

Appeal Decision:	Approved	Issue:	Excess Assets
Decision Date:	04/18/2025	Hearing Date:	January 22, 2025
MassHealth Rep.:	Michelle Benevides	Appellant Rep.:	[REDACTED]
Hearing Location:	Telephonic		

Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder.

Jurisdiction

Notice dated October 29, 2024 was sent to the appellant stating that MassHealth was ending his MassHealth long-term care benefits due to excess assets (Exhibit 1). The appellant filed this appeal on December 19, 2024 and, therefore, it is timely (see Exhibit 2 and 130 CMR 610.015). The termination of MassHealth benefits is grounds for appeal (130 CMR 610.032).

On January 10, 2024 a hearing notice was sent out to the parties (Exhibit 3).

Action Taken by MassHealth

MassHealth terminated the appellant's MassHealth benefits due to excess assets.

Issue

Pursuant to 130 CMR 520.006, were the appellant's assets in question temporarily inaccessible to him?

Summary of Evidence

The MassHealth representative testified that notice dated October 29, 2024 was sent to the appellant stating that MassHealth was ending his MassHealth long-term care benefits due to excess assets. The countable assets included approximately \$9,297.00 in life insurance and \$1,417.00 in a bank account. Because the bank account was under the \$2,000.00 threshold, the only issue was with regard to the value of the appellant's life insurance (Exhibit 4).

The appellant's representative testified that she completed an ownership change application with the appellant's life insurance company on January 21, 2025 so that the ownership of the policy could be transferred to his spouse (Exhibit 5).

The record was left open for 30 days to allow for the transfer of the life insurance to the spouse to take place so that the asset would not be considered countable (Exhibit 6).

The record was extended out to April 7, 2025 so that a second request for an ownership change made on February 24, 2025 could be processed. As of April 7, 2025, the appellant's representative indicated that despite the requests that were made to the appellant's life insurance company, the transfer had not taken place, and that the appellant had died on March 19, 2025 (Exhibits 7 & 8).

Findings of Fact

Based on a preponderance of the evidence, I find:

1. On October 29, 2024, notice was sent to the appellant stating that MassHealth was ending his MassHealth long-term care benefits due to excess assets (Exhibit 1).
2. The countable assets included approximately \$9,297.00 in life insurance and \$1,417.00 in a bank account (Exhibit 1).
3. On January 21, 2025 an ownership change application with the appellant's life insurance company was made so that the ownership of the policy could be transferred to his spouse (Exhibit 5).
4. The record was extended out to April 7, 2025 so that a second request for an ownership change made on February 24, 2025 could be processed (Exhibits 6-8).
5. The appellant's life insurance transfer was still in a pending status during the record-open period through March 19, 2025, his date of death (Exhibits 6-8).

Analysis and Conclusions of Law

Pursuant to 130 CMR 520.003(A): The total value of countable assets owned by or available to an individual applying for or receiving MassHealth Standard, Family Assistance or Limited may not exceed \$2,000.00.

520.006: Inaccessible Assets

(A) Definition. An inaccessible asset is an asset to which the applicant or member has no legal access. The MassHealth agency does not count an inaccessible asset when determining eligibility for MassHealth for the period that it is inaccessible or is deemed to be inaccessible under 130 CMR 520.006.

(B) Examples of Inaccessible Assets. Inaccessible assets include, but are not limited to (1) property, the ownership of which is the subject of legal proceedings (for example, probate and divorce suits); and (2) the cash-surrender value of life-insurance policies when the policy has been assigned to the issuing company for adjustment.

In the instant case, the record shows that on October 29, 2024 notice was sent to the appellant stating that MassHealth was ending his MassHealth long-term care benefits due to excess assets. The countable assets included \$9,297.00 in life insurance and \$1,417.00 in a bank account. The bank account was not an issue as it was below the \$2,000.00 asset threshold for an individual. This leaves the question of whether or not his life insurance policy was an accessible asset to him and thus countable.

I conclude that, pursuant to 130 CMR 520.006, the appellant's life insurance must be considered an inaccessible asset as the transfer to his spouse was still in a pending status during the record-open period of the appeal.

Accordingly, the appeal is approved as the appellant countable assets were below \$2,000.00 as of his MassHealth termination date through his date of death.

Order for MassHealth

Reinstate appellant's MassHealth benefits as of closing date.

Implementation of this Decision

If this decision is not implemented within 30 days after the date of this notice, you should contact your local office. 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.

Stanley M. Kallianidis
Hearing Officer
Board of Hearings

cc:

Taunton MEC

