

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2419518
Decision Date:	5/21/2025	Hearing Date:	04/16/2025
Hearing Officer:	Christine Therrien	Record Open to:	05/20/2025

Appearances for Appellant:




Appearance for MassHealth:

Yadira Rodriguez, Springfield



*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 – Excess Assets
Decision Date:	5/21/2025	Hearing Date:	04/16/2025
MassHealth's Rep.:	Yadira Rodriguez	Appellant's Reps.:	
Hearing Location:	Springfield MassHealth Enrollment Center Telephonic		

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 11/22/24, MassHealth denied the appellant's application for Long-Term Care (LTC) benefits because MassHealth determined that the appellant had more countable assets than regulations allow on the requested coverage start-date. (130 CMR 520.003 and Exhibit 1). The appellant's estate filed this appeal promptly on 12/24/25. (130 CMR 610.015(B) and Exhibit 2). Denial of assistance is valid grounds for appeal. (130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied the appellant's LTC application because he had more countable assets than regulations allow.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 520.003, in determining that the appellant has more countable assets than regulations allow.

Summary of Evidence

The MassHealth representative testified that the appellant was admitted to a long-term care facility on [REDACTED]. The MassHealth representative testified that the appellant died on [REDACTED]. The MassHealth representative testified that MassHealth received an application for long-term care on 1/18/24, with a requested start date of 1/6/24. On 11/22/24, MassHealth denied the application because the appellant was over the asset limit of \$2,000.00. The MassHealth representative testified that as of 4/30/24, the appellant had a bank account containing \$4,088.31 and an IRA account containing \$16,693.75, plus the appellant's personal needs account of \$72.80, for a total of \$20,854.86. MassHealth has an asset limit of \$2,000.00; therefore, the appellant had \$18,854.86 in excess assets.

The appellant's estate's representative, his daughter, testified that she is the beneficiary of the IRA but was told he has to pay taxes on the IRA, and she cannot afford to pay the taxes.

The record was left open until 5/16/24 to allow the estate's representative to submit proof of the excess assets being spent down on the appellant's care. Also, the record was left open until 5/20/24 to allow MassHealth time to review all submissions. (Exhibit 6).

The appellant's daughter submitted receipts for the appellant's funeral and estate administration totaling \$2,123.62. The appellant's daughter submitted a letter stating she cannot afford the taxes on the IRA; therefore, she cannot withdraw the funds. (Exhibit 7).

Findings of Fact

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

1. On [REDACTED] the appellant was admitted to a long-term-care facility
2. On 1/18/24, MassHealth received an application for long-term care on behalf of the appellant, with a requested coverage start date of 1/6/24.
3. On [REDACTED] the appellant died.
4. On 11/22/24, MassHealth denied the appellant's application because the appellant was over the asset limit of \$2,000.00.
5. As of 4/30/24, the appellant had a bank account containing \$4,088.31, and an IRA account containing \$16,693.75, plus the appellant's personal needs account of \$72.80, for a total of \$20,854.86 in assets.

6. MassHealth has an asset limit of \$2,000; therefore, the appellant has \$18,854.86 in excess assets.
7. The appellant's estate's representative is his daughter, who is the beneficiary of the appellant's IRA.
8. The record was left open until 5/16/24 to allow the estate's representative to submit proof of the excess assets being spent down on the appellant's care. Also, the record was left open until 5/20/24 to allow MassHealth time to review all submissions.
9. The appellant's daughter submitted receipts for the appellant's funeral totaling \$1,998.94.
10. The appellant's daughter submitted a letter stating she cannot afford the taxes on the IRA; therefore, she cannot withdraw the funds.

Analysis and Conclusions of Law

"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. (130 CMR 520.003(A)(1)). If an applicant for long-term-care benefits has more than \$2,000 in assets, they may reduce their assets and achieve eligibility per 130 CMR 520.004. 130 CMR 520.004(A) reads in part as follows:

130 CMR 520.004: 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.

(C) Date of Eligibility. The date of eligibility for otherwise eligible individuals described at 130 CMR 520.004(A)(1)(b) is the date that his or her incurred allowable medical expenses equaled or exceeded the amount of his or her excess assets.

(1) If after eligibility has been established, an individual submits an allowable bill with a medical service date that precedes the date established under 130 CMR 520.004(C), the MassHealth agency readjusts the date of eligibility.

(2) In no event will the first day of eligibility be earlier than the first day of the third month before the date of the application, if permitted by the coverage type.

(D) Verification. The MassHealth agency requires the applicant to verify that he or she incurred the necessary amount of medical bills and that his or her excess assets were reduced to the allowable asset limit within required timeframes.

The appellant had assets in his bank account exceeding the \$2,000.00 MassHealth limit on the date he sought coverage for his LTC stay, 1/6/24. The appellant had ownership of and access to this bank account on 1/6/24.¹ The appellant would become eligible for MassHealth on the date on which he reduced his assets below the \$2,000.00 MassHealth limit. (130 CMR 520.004(A)(1) and (C)). Pursuant to 130 CMR 520.004(A), the appellant, or his estate, had 30 days from the date of the denial notice to reduce assets to \$2,000.00 or less. Regardless of whether or not the appellant has died, he or his estate must cooperate with MassHealth in providing the requested information to establish eligibility. 130 CMR 515.008(A).² Given that the appellant's estate did not provide proof that the \$16,855.92 (\$18,854.86-\$1,998.94 funeral) in excess assets were used for his care, this appeal is denied.³

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

¹ 130 CMR 520.005(A) General. Assets owned exclusively by an applicant or member and the spouse are counted in their entirety when determining eligibility for MassHealth, except when assessing assets in accordance with 130 CMR 520.016. 130 CMR 520.006(A) Definition. An inaccessible asset is an asset to which the applicant or member has no legal access.

² 130 CMR 515.008: Responsibilities of Applicants and Members (A) Responsibility to Cooperate. The applicant or member must cooperate with the MassHealth agency in providing information necessary to establish and maintain eligibility and must comply with all the rules and regulations of MassHealth, including recovery and obtaining or maintaining other health insurance.

³ MassHealth allows funeral expenses to be used for asset spenddown purposes.

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.

Christine Therrien
Hearing Officer
Board of Hearings

cc:

cc: MassHealth Representative: Dori Mathieu, Springfield MassHealth Enrollment Center