

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2501194
Decision Date:	5/1/2025	Hearing Date:	02/14/2025
Hearing Officer:	Christine Therrien	Record Open to:	03/19/2025

Appearance for Appellant:



Appearance for MassHealth:

Jamie Lapa, 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:	5/1/2025	Hearing Date:	02/14/2025
MassHealth's Rep.:	Jamie Lapa	Appellant's Rep.:	
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 12/4/24, MassHealth denied the appellant's application for MassHealth Long Term Care (LTC) benefits because MassHealth determined that the appellant had more countable assets than regulations allow. (130 CMR 520.003 and Exhibit 1). The appellant filed this appeal in a timely manner on 1/16/25. (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 she has 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 MassHealth received a long-term care application on 5/16/24. The MassHealth representative testified that MassHealth issued a denial on 12/4/24 because the appellant has more countable assets than MassHealth regulations allow. The MassHealth representative testified that as of 12/4/24, the appellant had bank accounts with assets totaling \$2,894.20. (Exhibit 5).¹ The MassHealth representative testified that the MassHealth asset limit is \$2,000.00. The MassHealth representative testified that the appellant has \$894.20 in excess assets that need to be spent down.

The record was left open until 3/5/25 to allow the appellant time to submit proof of the spend down of her assets in her bank account. The record was left open until 3/19/25 to allow time for MassHealth to review and respond to any submissions. The appellant neither submitted anything after the hearing, nor did the appellant's representative request additional time for the record to remain open.

Findings of Fact

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

1. MassHealth received a long-term care application on 5/16/24.
2. MassHealth issued a denial on 12/4/24 because the appellant has more countable assets than MassHealth regulations allow.
3. As of 12/4/24, the appellant had bank accounts with assets totaling \$2,894.20.
4. The MassHealth asset limit is \$2,000.00.
5. The appellant has \$894.20 in excess assets that need to be spent down to become eligible for MassHealth.
6. The record was left open until 3/5/25 to allow the appellant time to submit proof of the spend down of her bank account. The record was left open until 3/19/25 to allow time for MassHealth to review and respond to any submissions.
7. The appellant neither submitted anything after the hearing, nor did the appellant's representative request additional time for the record to remain open.

¹ [REDACTED]

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 \$2,000.00 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.

The appellant had assets in her bank account above the \$2,000.00 MassHealth limit when MassHealth received her long-term care application on 5/16/24, and on 12/4/24 when the denial notice was issued. An applicant must cooperate with MassHealth and provide the necessary information to establish eligibility. (130 CMR 515.008(A)).² Given that the appellant did not provide any further proof of assets being spent down, 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

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.

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

[REDACTED]

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