

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Re-hearing Decision:	Dismissed	Appeal Number:	2501278
Re-hearing Decision Date:	11/4/2025	Re-hearing Date:	October 21, 2025
Hearing Officer:	Macy Lee, Director	Record Open to:	November 19, 2025

Appearance for Appellant:

Appearance for MassHealth:

By Microsoft Teams:



By Microsoft Teams:

Sean Brescia, 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*

RE-HEARING DECISION

Re-hearing Decision:	Dismissed	Issue:	Eligibility – Long Term Care
Re-hearing Decision Date:	11/4/2025	Re-hearing Date:	October 21, 2025
MassHealth’s Rep.:	Sean Brescia	Appellant’s Reps.:	[REDACTED]
Re-hearing Location:	Quincy on Microsoft Teams		

Authority

The re-hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, 130 CMR 610.091, and the rules and regulations promulgated thereunder.

Jurisdiction

Through a notice dated January 15, 2025, MassHealth concluded that the appellant was not eligible for MassHealth benefits because MassHealth determined that the appellant had more countable assets than MassHealth benefits allow. *See* 130 CMR 520.003; 130 CMR 520.004; and Exhibit 1. The appellant filed this appeal in a timely manner on January 27, 2025. *See* 130 CMR 610.015(B); Exhibit 2. Denial of assistance is valid grounds for appeal. *See* 130 CMR 610.032.

A hearing was held remotely on February 26, 2025. Exhibit 15. On December 2, 2024, a Board of Hearings hearing officer issued a decision denying the appellant’s appeal. *Id.*

On June 25, 2025, the Executive Office of Health and Human Services Legal Unit received a request for a re-hearing and a complaint against the hearing officer. Exhibit 16. On July 29, 2025, the Medicaid Director and Assistant Secretary for MassHealth ordered a re-hearing to determine the

appeal on the merits. Exhibit 17. Specifically, the Board of Hearings is “to analyze the appeal in light of the fact that [REDACTED] circumstances have not changed because she was not obligated to purchase a new long-term care insurance policy after her old policy exhausted in 2021, and her formal home accordingly did not become a countable asset.” *Id.*

Action Taken by MassHealth

MassHealth concluded that the Appellant was not eligible for MassHealth benefits because MassHealth determined that the Appellant had more countable assets than MassHealth benefits allow. See 130 CMR 520.003, 130 CMR 520.004; Exhibit 1.

Issues for Re-hearing

The limited issue for re-hearing is “to analyze the appeal in light of the fact that [REDACTED] circumstances have not changed because she was not obligated to purchase a new long-term care insurance policy after her old policy exhausted in 2021, and her formal home accordingly did not become a countable asset.” Exhibit 17.

Conclusion

After the re-hearing, the record was left open for briefing until November 19, 2025. Exhibit 20. On November 4, 2025, via email, MassHealth reached out to the parties and stated as follows: “MassHealth has made [REDACTED] real estate non-countable. Her coverage has been reinstated with no gap going back to 1/16/2025.” Exhibit 21. MassHealth also attached an approval notice to the email that will be issued on November 4, 2025. Exhibit 22.

As the issue on for re-hearing is resolved, this case is hereby DISMISSED pursuant to 130 CMR 610.035(A)(8).

Implementation of this Decision

If this decision is not implemented within 30 days after the date of this dismissal, you should contact your MassHealth Enrollment Center. If you experience problems with the implementation of this decision, you should report this in writing to the Director of the Board of Hearings, MassHealth of Medical Assistance, at the address on the first page of this decision.

Macy Lee
Director
Board of Hearings

cc:

[REDACTED]

MassHealth Representative: Sean Brescia, Tewksbury MassHealth Enrollment Center, 367 East Street, Tewksbury, MA 01876-1957