

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2501983
Decision Date:	9/17/2025	Hearing Date:	04/02/2025
Hearing Officer:	Kimberly Scanlon	Record Open to:	04/25/2025

Appearance for Appellant:

 Conservator

Appearance for MassHealth:

Patricia Rogers, 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

Appeal Decision:	Denied	Issue:	Eligibility; Over 65; Long-term care; Over asset
Decision Date:	9/17/2025	Hearing Date:	04/02/2025
MassHealth's Rep.:	Patricia Rogers	Appellant's Rep.:	[REDACTED]
Hearing Location:	Taunton MassHealth Enrollment Center Room 1 (Remote)	Aid Pending:	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 January 3, 2025, MassHealth notified the appellant that she did not qualify for MassHealth long-term care services because MassHealth determined that she has more countable assets than MassHealth benefits allow. (130 CMR 520.003; 520.004; Exhibit 1). The appellant filed this appeal in a timely manner on or about January 26, 2025. (130 CMR 610.015(B); Exhibit 2). The Board of Hearings (BOH) dismissed the appeal for failure to submit written authorization from MassHealth member or applicant; BOH subsequently vacated the dismissal after receiving a copy of written authorization (Exhibits 4-8). Denial of assistance is valid grounds for appeal. (130 CMR 610.032).

Action Taken by MassHealth

MassHealth notified the appellant that she did not qualify for MassHealth benefits because her assets exceeded the allowable program limits.

Issue

The appeal issue is whether MassHealth was correct in determining that the appellant is over the allowable asset limit to qualify for MassHealth benefits.

Summary of Evidence

The MassHealth representative and the appellant's representative appeared at the hearing by telephone and testified as follows: The appellant is a single individual who is over the age of 65. On April 16, 2024, MassHealth received the appellant's application for long-term care services, with a requested start date of May 21, 2024 (Exhibit 9, pp. 2-3). On January 3, 2025, MassHealth determined that the appellant is over the allowable asset limit to receive MassHealth long-term care benefits (Exhibit 1). The appellant's reported assets include a life insurance policy with a value of \$2,028.61. (Exhibit 1, p. 3). To be eligible for MassHealth benefits, the appellant's assets cannot exceed \$2,000.00. The MassHealth representative explained that after deducting \$2,000.00 allowed for a household of one, the appellant's excess assets total \$28.61. MassHealth notified the appellant in the January 3rd notice that she may be eligible to receive MassHealth benefits if she were to reduce her assets to \$2,000.00 within 30 days. (Exhibit 1, p. 1). To date, MassHealth has not received any documentation from the appellant indicating that her assets have been reduced.

The appellant's representative testified that because the Uniform Probate Code does not allow a conservator to cash out or change the beneficiary of a life insurance policy, she is working with the appellant's daughter/durable power of attorney to cash out the policy and assign it to a funeral home. The MassHealth representative stated that if the appellant's life insurance policy is assigned to a funeral home, MassHealth will need documentation showing that the assigned funeral home is the owner and the beneficiary of said policy. Additionally, MassHealth will need a copy of the funeral contract and a list of goods and services.

Following the hearing, the record was left open for a brief period for the appellant to submit documentation to MassHealth verifying that her assets have been spent down to the allowable asset limit of \$2,000.00. (Exhibit 10).¹ The MassHealth representative subsequently reported that MassHealth did not receive the pertinent documentation from the appellant showing that her assets had been spent down. (Exhibit 11). Specifically, MassHealth did not receive proof that the assigned funeral home is the owner and the beneficiary of the appellant's life insurance policy. (Exhibit 11, p. 3).

Findings of Fact

¹ The appellant's requests to extend the record-open period were granted and the record closed on July 25, 2025. (Exhibit 11).

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

1. The appellant is a single individual who is over the age of 65.
2. On April 16, 2024, the appellant applied for MassHealth long-term care benefits with a requested start date of May 21, 2024.
3. On January 3, 2025, MassHealth notified the appellant that she is not eligible to receive long-term care benefits due to excess assets.
4. To be eligible for MassHealth benefits, a single applicant's assets cannot exceed \$2,000.00.
5. The appellant's assets exceed \$2,000.00 by \$28.61.
6. The appellant may be eligible for long-term care benefits if she reduces her assets to the allowable limit of \$2,000.00.
7. The appellant timely appealed MassHealth's denial notice.
8. The record was left open for the appellant to submit documentation verifying the asset spend-down.
9. MassHealth did not receive the pertinent documentation showing that the appellant's assets have been reduced to the allowable limit of \$2,000.00.

Analysis and Conclusions of Law

The regulations at 130 CMR 515.000 through 520.000 provide the requirements for MassHealth eligibility for persons aged 65 and older. (130 CMR 515.002). An institutionalized person aged 65 and older may establish eligibility for MassHealth Standard coverage if the countable assets of an individual are \$2,000.00 or less. (130 CMR 519.006). At the hearing, MassHealth presented unrefuted evidence that the appellant's verified assets exceed the \$2,000.00 limit. The appellant was granted a post-hearing record-open period to verify to MassHealth that her assets have been reduced to the allowable limit of \$2,000.00. The appellant did not submit the documentation showing that her assets have been reduced. Thus, the appellant has not demonstrated that she is currently eligible for MassHealth long-term care benefits. I find that the action taken by MassHealth was within the regulations. 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.

Kimberly Scanlon
Hearing Officer
Board of Hearings

cc:

[REDACTED]

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