

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2502684
Decision Date:	5/12/2025	Hearing Date:	03/21/2025
Hearing Officer:	Thomas Doyle	Record Open to:	N/A

Appearance for Appellant:



Appearance for MassHealth:

Christina Prunier, 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*

APPEAL DECISION

Appeal Decision:	Denied	Issue:	Over 65; Coverage Start Date
Decision Date:	5/12/2025	Hearing Date:	03/21/2025
MassHealth's Rep.:	Christina Prunier	Appellant's Rep.:	[REDACTED]
Hearing Location:	Remote (phone)	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 27, 2025, MassHealth determined appellant was eligible for MassHealth Standard benefits to cover her care in a nursing facility. Appellant's eligibility began on December 13, 2024. (Ex. 1). Through a notice dated January 31, 2025, MassHealth determined that appellant was eligible for MassHealth Standard benefits to cover her care in a nursing facility, with coverage beginning on November 16, 2024.² (Ex. 1, 130 CMR 520.004). Appellant filed this appeal in a timely manner on February 13, 2025. (Ex. 2). Challenging the scope of coverage is valid grounds for appeal (130 CMR 610.032).

Action Taken by MassHealth

MassHealth determined that appellant was eligible for MassHealth Standard long term care benefits, with coverage beginning on November 16, 2024.

¹ [REDACTED] is the owner of [REDACTED] who is named as the appeal representative on the Fair Hearing Request Form. (Ex. 2). She will be referred to as the Owner.

² The appeal representative testified appellant was appealing the January 31, 2025 notice.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 520.003, 130 CMR 520.004, and 130 CMR 520.019 in determining that appellant was eligible for MassHealth Standard long term care benefits, with coverage beginning on November 16, 2024.

Summary of Evidence

The appeal representatives and the MassHealth worker (worker) appeared via phone. The hearing began, all parties were sworn and documents were marked as evidence. The worker testified as follows: Appellant is a single female in her mid-eighties who was admitted to the facility on [REDACTED] 2024. On September 24, 2024, MassHealth received an application on behalf of appellant seeking long-term care benefits, with a request date of October 26, 2024. MassHealth approved appellant's application effective November 16, 2024. MassHealth determined that as of October 26, 2024, the requested retroactive coverage date, appellant's assets included 1) a bank account with a balance of \$11,629.46; 2) another bank account with a balance of \$200.76; 3) a revocable Trust valued at \$15,448.19,³ totaling assets of \$27,278.41. To calculate the start date of coverage, MassHealth utilized a *Haley*⁴ calculation. MassHealth subtracted allowable deductions in the amount of \$1,500 for a burial account and the \$2,000.00 asset limit, arriving at a total allowable deduction amount of \$3,500. Regarding the value of the Trust, the worker wrote that MassHealth took into consideration the value of the Trust provided at the time of denial but the Trust "ended up not being valid after the closing of the home. After all expenses, appellant received no gain for the property and MassHealth did not use the value in the Haley calculation." (Ex. 5, p. 1). MassHealth then deducted the Trust value of \$15,448.19 from the total countable assets, \$27,278.41, showing total countable assets used for the Haley calculation at \$11,830.22. The worker wrote MassHealth then subtracted the allowable deductions, \$3,500, from the total countable assets, \$11,830.22, arriving at a total excess asset amount of \$8,330.22. MassHealth then divided the excess asset amount by the nursing home's private daily rate of \$510.00 to arrive at a 21-day period of ineligibility, thereby determining appellant's start date of coverage as November 16, 2025. (Testimony; Ex. 5).

The Owner wanted MassHealth to consider two items from the sale of appellant's home to further reduce appellant's assets. The family hired an attorney to represent them at the closing of the home and paid him a \$2,500 legal fee. She also wanted MassHealth to consider the fact that the family had to bring \$2,958.39 to the closing to pay off a reverse mortgage that was held on the property. (Testimony). The worker responded that MassHealth only considers burial expenses and medical expenses after the date of request for coverage, in this case October 26, 2024. She stated MassHealth would not consider the legal fee and the money to pay off the reverse

³ The revocable Trust consisted of appellant's home.

⁴ *Haley v. Comm'r of Pub. Welfare*, 394 Mass. 466 (1985). The ruling of that case is codified in the MassHealth regulations at 130 CMR 520.004.

mortgage because those two items are considered legal debt. The worker stated the home sold in January 2025. (Testimony). I asked the other appeal representative if she had any authority to support appellant's request for MassHealth to consider the legal fee and reverser mortgage payoff amount. She testified "I don't necessarily have any regulation, I understand MassHealth considers medical and burial after request date." (Testimony).

Findings of Fact

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

1. Appellant is a single female in her mid-eighties who was admitted to the facility on [REDACTED] 2024. (Testimony).
2. On September 24, 2024, MassHealth received an application on behalf of appellant seeking long-term care benefits, with a request date of October 26, 2024. (Testimony; Ex. 5).
3. MassHealth determined that as of the requested coverage date, appellant's assets included 1) a bank account with a balance of \$11,629.46; 2) another bank account with a balance of \$200.76; 3) a revocable Trust valued at \$15,448.19, for a total of assets equaling \$27,278.41. (Testimony; Ex. 5).
4. MassHealth deducted the value of the Trust, \$15,448.19, from the total amount of assets, \$27,278.41, for a total of assets equaling \$11,830.22. The home in the trust was sold in January 2025. (Testimony).
5. MassHealth utilized a *Haley* calculation. MassHealth deducted the MassHealth allowance of \$2,000.00 and a burial account from December 2024 equaling \$1,500 from the total assets of \$11,830.22 and found a remainder of assets totaling \$8,330.22. (Testimony; Ex. 5).
6. The nursing facility has a private daily rate of \$510.00. (Testimony; Ex. 5, pp. 1, 26).
7. MassHealth imposed a 21-day period of ineligibility and approved appellant for long-term care benefits with an effective start date of November 16, 2024. (Testimony; Ex. 1A; Ex. 5, p. 1).

Analysis and Conclusions of Law

Appellant has the burden "to demonstrate the invalidity of the administrative determination." Andrews v. Division of Medical Assistance, 68 Mass. App. Ct. 228 (2007). Moreover, "[p]roof by

a preponderance of the evidence is the standard generally applicable to administrative proceedings.” Craven v. State Ethics Comm'n, 390 Mass. 191, 200 (1983).

The total value of countable assets owned by or available to an individual applying for MassHealth Standard for long-term care assistance may not exceed \$2,000. (130 CMR 520.003(A)(1)). Per 130 CMR 520.004, the amount of an applicant’s total countable assets affects the start date for MassHealth long term care benefits:

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.

Regarding the potential eligibility date utilizing the *Haley* calculation, appellant had excess assets as of October 26, 2024, the requested retroactive coverage date. Appellant’s assets included two bank accounts totaling \$11,823.06 and a Trust, which contained appellant’s home, valued at \$15,448.19. MassHealth incorporated deductions in the amount of \$1,500.00 for a burial account and the \$2,000.00 asset limit. MassHealth then calculated, after all expenses, appellant received no gain for the home after its sale so MassHealth did not use the value in the *Haley* calculation. MassHealth arrived at a total excess asset amount of \$8,330.22 as of October 26, 2024. Utilizing the private pay daily rate of \$510, MassHealth calculated that appellant’s potential eligibility for long-term care benefits, pursuant to the *Haley* calculation, as of November 16, 2024 after using the excess assets to pay the private pay daily rate for 21 days. Appellant has not shown, by a preponderance of evidence, that MassHealth’s administrative determination, which adheres to the controlling regulations and caselaw, is invalid. Accordingly, the 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.

Thomas Doyle
Hearing Officer
Board of Hearings

[REDACTED]

[REDACTED]

MassHealth Representative: Sylvia Tiar, Tewksbury MassHealth Enrollment Center, 367 East Street, Tewksbury, MA 01876-1957, 978-863-9290