

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2503805
Decision Date:	06/24/2025	Hearing Date:	03/31/2025
Hearing Officer:	Scott Bernard	Record Open to:	04/14/25 extended to 06/16/2025 appellant; 04/21/2025 extended to 06/23/2025 MassHealth

Appearance for Appellant:




Appearance for MassHealth:

Lynn Bloomquist, 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:	Long Term Care-excess assets
Decision Date:	06/24/2025	Hearing Date:	03/31/2025
MassHealth's Rep.:	Lynn Bloomquist, Tewksbury MassHealth Enrollment Center (MEC)	Appellant's Rep.:	
Hearing Location:	Tewksbury MassHealth Enrollment Center		

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 6, 2025, MassHealth denied the appellant's application for MassHealth Standard benefits for long term care residents because MassHealth determined that the appellant's assets exceed the limit for MassHealth Standard for long term care residents. (see 130 CMR 520.016 and Exhibit 1). The appellant filed this appeal in a timely manner on March 7, 2025. (see 130 CMR 610.015(B) and Exhibit 2). Denial of assistance is valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied the appellant's application for MassHealth Standard for long term care residents.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 520.016, in determining that the appellant's assets exceed the limit for MassHealth Standard for long term care residents.

Summary of Evidence

The appellant was represented telephonically by a representative authorized by the appellant's activated Health Care Proxy. The appellant's representative verified the appellant's identity. MassHealth was represented telephonically by a worker from the Tewksbury MEC. The MassHealth representative testified that the appellant submitted a MassHealth application on September 27, 2024; the application was denied by notice dated November 12, 2024. (Exhibit 5, p. 1). The appellant submitted one of the missing verifications on November 27, 2024 and MassHealth re-opened the application with a controlling application date of November 27, 2024. (Testimony, exhibit 5, p. 1). A second information request was sent to the appellant on November 29, 2024. (Exhibit 5, p. 1). The MassHealth representative stated that the appellant's application was denied on January 6, 2025 because her assets exceed the MassHealth limit of \$2,000.00. (Exhibits 1, 5, p. 1). The MassHealth representative stated that the appellant has a balance of \$25,505.42 in a bank account and a balance of \$100.60 in her Personal Needs Account (PNA) for a total of \$25,606.02. The MassHealth representative noted that the appellant's assets exceed the MassHealth limit of \$2,000.00 by \$23,606.02 and thus the appellant is not financially eligible for MassHealth.

The appellant's representative testified that she has the bank statements and the assets have been spent down. The appellant's representative asked for two weeks to give her time to submit the updated bank statements showing the assets have been spent down.

The record was left open for two weeks, until April 14, 2025, to give the appellant the opportunity to submit the updated bank statements showing the assets were spent down and to submit a private pay letter from the nursing facility showing the dates the private payments covered. (Exhibit 6). MassHealth had until April 21, 2025 to respond. (Exhibit 6).

On April 17, 2025, 3 days after the record closed, the appellant's representative requested an extension of the record open because the appellant had additional funds in her bank account. (Exhibit 7, p. 5). The hearing officer extended the record open period almost 2 months to June 16, 2025 and gave MassHealth until June 23, 2025 to respond. (Exhibit 7, p. 7).

By email dated June 23, 2025, the MassHealth representative informed the hearing officer's supervisor that MassHealth has not received any verifications of a spend down of the assets. (Exhibit 8).

Findings of Fact

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

1. The appellant submitted a MassHealth application on September 27, 2024; the application was denied by notice dated November 12, 2024.
2. The appellant submitted one of the missing verifications on November 27, 2024 and MassHealth re-opened the application with a controlling application date of November 27, 2024.
3. A second information request was sent to the appellant on November 29, 2024.
4. The appellant's application was denied on January 6, 2025 because her assets exceed the MassHealth limit of \$2,000.00.
5. The appellant has a balance of \$25,505.42 in a bank account and a balance of \$100.60 in her PNA for a total of \$25,606.02.
6. The appellant's representative testified at the hearing that the appellant spent down her assets.
7. The record was left open for two weeks, until April 14, 2025, to give the appellant the opportunity to submit the updated bank statements showing the assets were spent down and to submit a private pay letter from the nursing facility showing the dates the private payments covered.
8. On April 17, 2025, 3 days after the record closed, the appellant's representative requested an extension of the record open because the appellant had additional funds in her bank account.
9. The hearing officer extended the record open period to June 16, 2025 and gave MassHealth until June 23, 2025 to respond.
10. By email dated June 23, 2025, the MassHealth representative reported that MassHealth has not received any verifications of a spend down of the appellant's assets.

Analysis and Conclusions of Law

Institutionalized Individuals. The total value of assets owned by an institutionalized single individual or by a member of an institutionalized couple must not exceed \$2,000.

(130 CMR 520.016(A)).

There was no dispute that the appellant has a bank account balance of \$25,505.42 and a PNA balance of \$100.60, for total assets of \$25,606.02. The asset limit for MassHealth Standard for long term care residents is \$2,000.00 and the appellant's assets exceed this limit by \$23,606.02. The appellant's representative testified at the hearing that the assets were spent down, however even after a record open period of almost 3 months, the appellant has not submitted documentation of the spend down. What is also concerning is the appellant's representative's report of additional assets in the appellant's account. Pursuant to the signed MassHealth application, all assets should have been verified at this point and the source of these additional assets should have been reported to MassHealth. Regardless of this new information, even after a 77 day record open period, the appellant did not submit evidence of a spend down of her assets and, in fact, indicated that her asset amount is higher than the amount MassHealth has on record. 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.

Scott Bernard
Hearing Officer
(Patricia Mullen, Deputy Director and
Supervisor
Board of Hearings

[REDACTED]



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