

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2504648
Decision Date:	10/14/2025	Hearing Date:	04/28/2025
Hearing Officer:	Thomas Doyle	Record Open to:	08/21/2025

Appearance for Appellant:



Appearance for MassHealth:

Maria Piedade, 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:	Long-Term Care; Excess Assets
Decision Date:	10/14/2025	Hearing Date:	04/28/2025
MassHealth's Rep.:	Maria Piedade	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 February 13, 2025, MassHealth notified appellant his coverage would change to Buy In (QI-Part B) because he had more countable assets than MassHealth Standard or Limited benefits allow. (Ex. 1). Appellant filed this appeal in a timely manner on March 19, 2025. (Ex. 2). Denial of assistance is valid grounds for appeal. (130 CMR 610.032).

Action Taken by MassHealth

MassHealth changed appellant's coverage because he had excess assets.

Issue

The appeal issue is whether MassHealth was correct because appellant had excess assets.

Summary of Evidence

The appeal representative and the MassHealth worker (worker) appeared by phone and were sworn. The worker stated the following: Appellant is in his early nineties and is in a household of 1. MassHealth received a long-term care conversion application on May 1, 2024. It was denied on

September 26, 2024 for missing verifications. Appellant appealed the denial and at the hearing, the record was left open. On February 23, 2025, MassHealth received the missing verifications and the application was denied because appellant was over assets. The worker testified that appellant's assets included stocks, several bank accounts and a PNA account. The worker testified appellant was over assets by [REDACTED] (Testimony; Ex. 1; Ex. 5, pp. 1, 7, 12-14).

The appeal representative stated she was appealing because appellant's Guardian was working with shareholders to cash out appellant's stock and the shareholders were being difficult with the Guardian. The appeal representative stated the Guardian told her that in early April 2025 the shareholders told the Guardian she needed to go back to court and obtain an updated Guardianship with a stamp to be able to cash out appellant's stock. The appeal representative stated this was odd because the Guardianship in place was permanent. She also stated she has been dealing with the shareholders for months and they have been consistently difficult. The appeal representative requested the record be left open to spend down appellant's assets. (Testimony).

Initially the record was left open to May 26, 2025 for appellant to spend down assets and confirm a burial account. MassHealth was given until June 2, 2025 to review and respond. (Ex. 7, p. 1).

On May 29, 2025, the appeal representative requested an extension of the record open period because the Guardian's lawyer was on vacation for 10 days. On May 29, 2025, I extended the record open period, giving appellant until June 11, 2025 and MassHealth to June 18, 2025 to review and respond. (Ex. 7, p. 2).

On June 11, 2025, the appeal representative emailed requesting a record open extension, writing that the Guardian received a letter from shareholders making Guardian change ownership of the stocks before they would cash out the stocks. (Ex. 8, pp. 18-19). On June 12, 2025, I emailed the appeal representative asking her how much time she was requesting. (Ex. 8, p. 18). On June 12, 2025, the appeal representative returned my email and copied the Guardian. The appeal representative asked the Guardian how much time is needed on the record open extension request. (Ex. 8, p. 17). On June 23, 2025, I emailed the parties stating I never heard from Guardian on any timeframe for a record open extension. (Ex. 8, p. 17). On June 25, 2025, the Guardian responded to me only and stated she sent all documents to shareholders, and they need 2 weeks to process. (Ex. 8, pp. 16-17). On June 23, 2025, I emailed the parties and pointed out to the appeal representative that the Guardian did not request extension of the record open period. I informed the appeal representative she is the appeal representative and needed to tell me the length of the requested extension of the record open period. (Ex. 8, p. 16). On June 23, 2025, the appeal representative emailed and stated she called the Guardian, who said paperwork was submitted. The appeal representative requested a three-week record open extension. (Ex. 8, pp. 15-16).

On June 23, 2025, I extended the record open period, giving appellant until July 14, 2025 and

MassHealth until July 21, 2025 to review and respond to any information provided by appellant. (Ex. 8, p. 15).

On July 15, 2025, the worker emailed that the record closed for appellant the day before and that she had not received anything to show spend down of stocks. (Ex. 8, p. 14-15).

On July 15, 2025, the appeal representative emailed that [REDACTED] is making the Guardian get a medallion stamp, and that the Guardian obtained and sent back the paperwork the previous week. She requested another extension to the record open period. (Ex. 8, p. 14). On July 16, 2025, I emailed the parties and asked the appeal representative how much time she was requesting. (Ex. 8, p. 13). On July 16, 2025, the appeal representative responded that the Guardian told her [REDACTED] got the medallion stamp and they need 14 days to process the paperwork and then the Guardian must call them, and they will let her know if she can cash out the stocks. (Ex. 8, p. 12-13). On July 17, 2025, I emailed the parties and asked the appeal representative how much time she was requesting for a record open extension. (Ex. 8, p. 12). On July 17, 2025, the appeal representative responded that she was requesting 3 weeks. (Ex. 8, p. 11-12). On July 17, 2025, I extended the record open period, giving appellant until August 7, 2025 to spend down assets and MassHealth until August 14, 2025 to review and respond. (Ex. 8, p. 11).

On August 7, 2025, the appeal representative emailed and wrote that the Guardian said she is away but she called [REDACTED] before she left and was told the paperwork had been received but had not been processed yet. The appeal representative requested a 2-week extension to the record open period. (Ex. 8, p. 10). On August 11, 2025, I emailed the parties. I reminded them this hearing was held on April 28, 2025. I extended the record open period, giving appellant until August 21, 2025 and MassHealth until August 28, 2025. (Ex. 8, pp. 9-10).

On August 22, 2025, I emailed the parties requesting an update. (Ex. 8, p. 9). On August 22, 2025, the appeal representative emailed and wrote she is trying to get an answer from the Guardian, who is not very responsive. She wrote she may petition to get another Guardian appointed. (Ex. 8, p. 8). On August 22, 2025, I emailed the parties and wrote I am not sure I can grant another record open extension, as there has been no progress on spending down and I have already extended the record open period 4 times. (Ex. 8, p. 6-7). On August 22, 2025, the appeal representative emailed and stated the Guardian wrote to her that calls were made to shareholders about the submitted paperwork and the Guardian was told 1 of 2 of the submitted papers was missing. The Guardian resubmitted both papers. (Ex. 8, p. 5-6). On August 22, 2025, I emailed the parties asking the worker for her input. I also told the appeal representative that I was very concerned that one of two of the papers is missing and had to be resubmitted. (Ex. 8, p. 5). The worker responded that one of appellant's bank accounts had been set aside for burial purposes and therefore she only needed proof of a spend-down of appellant's stocks. (Ex. 8, pp. 3-5).

On August 27, 2025, the appeal representative emailed wanting to know if another record open extension would be granted. (Ex. 8, p. 2). On August 27, 2025, I emailed the parties and asked the

appeal representative if she called shareholders. (Ex. 8, p. 1-2). On August 27, 2025, the appeal representative responded she “spoke to Kevin at shareholders” and he said the Guardian needed to send in a letter stating she wanted to cash in stocks AND a copy of Guardianship with medallion stamp within 90 days. The appeal representative also wrote that Kevin told her, “To date, he had not received anything.” (Ex. 8, p. 1).

On August 28, 2025, I sent an email to the parties summarizing the record open period for the previous four months. At the conclusion of the written summary, I closed the record indicating no progress has been shown in spending down appellant’s assets. (Ex. 9).

Findings of Fact

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

1. Appellant is in his early [REDACTED] and is in a household of 1. (Testimony).
2. MassHealth received a long-term care conversion application on May 1, 2024. The application was denied on September 26, 2024 for missing verifications. (Testimony).
3. Appellant appealed the denial and at hearing, the record was left open. In February, 2025, MassHealth received the missing verifications, and the application was denied. (Testimony).
4. On February 13, 2025, MassHealth notified appellant his coverage would change to Buy In (QI-Part B) because he had more countable assets than MassHealth Standard or Limited benefits allow. (Testimony; Ex. 1).
5. Appellant filed an appeal in a timely manner on March 19, 2025. (Ex. 2).
6. Appellant’s assets include stocks, several bank accounts and a PNA account, making appellant over assets by \$ [REDACTED] (Testimony; Ex. 1; Ex. 5, pp. 1, 7, 12-14).
7. From the date of the hearing, April 28, 2025, the record was left open, with multiple extensions, until August 21, 2025 for appellant to accomplish a spend down of assets. (Ex. 7; Ex. 8).
8. As of August 22, 2025, the appellant had not provided proof of spend down of appellant’s stocks. (Ex. 8, p. 3).

Analysis and Conclusions of Law

The 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).

130 CMR 520.003: Asset Limit

(A) 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 the following limits:

- (1) for an individual – \$2,000; and
- (2) for a couple living together in the community

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

...

(D) Verification. The MassHealth agency requires the applicant to verify that he or she incurred the necessary amount of medical bills and that his or her excess assets were reduced to the allowable asset limit within required timeframes

On this record, appellant has not demonstrated the invalidity of MassHealth's action. There is little dispute in this appeal. Appellant's bank accounts and stocks, as of the date of the notice, February 13, 2025, exceed the \$2000 individual asset limit explicitly stated within the regulation. The record was left open for 4 months, from April 28, 2025 until August 21, 2025 for appellant to accomplish a spend down of assets and to submit verifications to MassHealth. However, MassHealth confirmed that no submissions, proving a spenddown, were ever received. Accordingly, appellant has not met his burden, by a preponderance of evidence, that MassHealth's determination to change his coverage is invalid. Therefore, this appeal is denied.

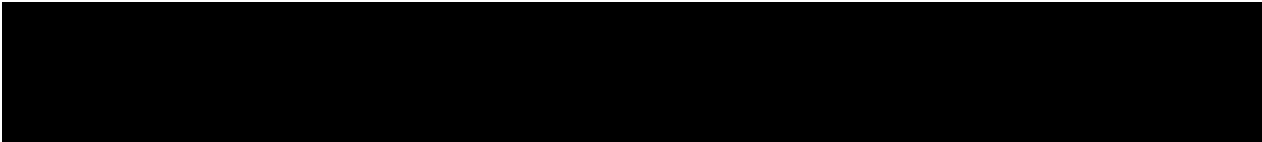
Order for MassHealth

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.

Thomas Doyle
Hearing Officer
Board of Hearings



MassHealth Representative: Dori Mathieu, Springfield MassHealth Enrollment Center, 88 Industry Avenue, Springfield, MA 01104, 413-785-4186