

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:

[REDACTED]

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|------------------|---------------------|-----------------|------------|
| Appeal Decision: | Denied | Appeal Number: | 2505596 |
| Decision Date: | 11/25/2025 | Hearing Date: | 5/12/2025 |
| Hearing Officer: | Emily T. Sabo, Esq. | Record Open to: | 11/19/2025 |

Appearance for Appellant:

[REDACTED]

Appearance for MassHealth:
Sandy Xie, Quincy 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

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|---------------------------|--------------------|--------------------------|----------------------------------|
| Appeal Decision: | Denied | Issue: | Long Term Care; Excess Assets |
| Decision Date: | 11/25/2025 | Hearing Date: | 5/12/2025 |
| MassHealth's Rep.: | Sandy Xie | Appellant's Rep.: | [REDACTED] |
| Hearing Location: | Quincy (Telephone) | 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 denied the Appellant's application for MassHealth Long Term Care benefits because MassHealth determined that the Appellant had excess countable assets.¹ 130 CMR 520.003, 130 CMR 520.004, and Exhibit 1. The Appellant filed this appeal in a timely manner on April 8, 2025. 130 CMR 610.015(B) and Exhibit 2. Denial of assistance is valid grounds for appeal. 130 CMR 610.032.

Action Taken by MassHealth

MassHealth denied the Appellant's application for long-term-care services in a nursing facility.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 520.003 and 130 CMR 520.004, in denying the Appellant's application on the grounds that she had excess countable assets.

¹ Specifically, the notice stated that the Appellant had excess assets of \$4,801.36. Exhibit 1. The notice also approved the Appellant for MassHealth Senior Buy In effective March 1, 2025. *Id.*

Summary of Evidence

The hearing was held by telephone. The MassHealth representative testified that the Appellant was over the age of █ and had a household size of one. The MassHealth representative testified that the Appellant submitted an application for MassHealth Long-Term-Care on July 10, 2024. The MassHealth representative testified that MassHealth received all the requested verifications from the Appellant, but the Appellant's application was denied by notice dated February 13, 2025 because her countable assets exceeded the \$2,000.00 asset limit for an individual by \$4,801.36.

The Appellant's representative verified the Appellant's identity. The Appellant's representative testified that the Appellant's excess assets were due to a life insurance policy which she was in the process of transferring to a burial contract. The Appellant's representative requested that the record be held open to allow time for the policy to be transferred to burial contract as a non-countable asset.

The record was held open for the Appellant until June 12, 2025, and until June 19, 2025, for MassHealth's response. Exhibit 7. On June 12, 2025, the Appellant's representative requested that the appeal be placed on hold because a temporary conservator was being appointed for the Appellant. *Id.* The appeal was placed on hold until a temporary conservator was appointed. Exhibit 8. On September 19, 2025, the hearing officer was informed that a conservator was appointed and reopened the record, allowing the Appellant until October 10, 2025, to submit proof that the assets were spent down and until October 31, 2025, for MassHealth to review and respond. Exhibit 7. On October 10, 2025, the Appellant's representative requested an extension, citing challenges that the conservator was having in cashing out the insurance policy. *Id.* The hearing officer granted the Appellant an extension until October 30, 2025, and allowed MassHealth until November 19, 2025, to review and respond. *Id.* On October 30, 2025, the Appellant's representative requested an additional extension, which the hearing officer denied.²

Findings of Fact

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

1. The Appellant submitted a MassHealth application for long-term-care on July 10, 2024 (Testimony, Exhibits 1 & 5).
2. The Appellant is over the age of █ and has a household size of one (Testimony, Exhibit 4).

² On November 11, 2025, the Appellant's temporary conservator submitted a copy of a request, dated November 11, 2025, to surrender the Appellant's insurance policy. Exhibit 9. This is not considered part of the record, as the record closed for the Appellant on October 30, 2025. *Id.* However, I note for the record that this is not proof that the Appellant's assets are \$2,000.00 or less.

3. On February 13, 2025, MassHealth denied the Appellant's application on the grounds that she had excess countable assets of \$4,801.36 (Testimony, Exhibit 1).
4. The Appellant filed a timely appeal with the Board of Hearings on April 8, 2025 (Exhibit 2).
5. After the hearing, the record was held open for 30 days to provide proof that the Appellant's assets were less than \$2,000.00. The Appellant's representative requested that the appeal be placed on hold due to the pending appointment of a temporary conservator for the Appellant. A temporary conservator was appointed and the appeal reopened on September 19, 2025. The Appellant was granted until October 30, 2025, to provide proof that the Appellant's assets were less than \$2,000.00 (Exhibit 7).
6. The Appellant has not submitted evidence that her countable assets are less than \$2,000.00.

Analysis and Conclusions of Law

In evaluating financial eligibility for MassHealth, 130 CMR 520.016(A) provides that “[t]he total value of assets owned by an institutionalized single individual or by a member of an institutionalized couple must not exceed \$2,000.” *See also* 130 CMR 520.003(A)(1). The MassHealth regulations outline how an individual can reduce assets to qualify for MassHealth:

(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.

(B) Evaluating Medical Bills. The MassHealth agency does not pay that portion of the medical bills equal to the amount of excess assets. Bills used to establish eligibility

- (1) cannot be incurred before the first day of the third month prior to the date of application as described at 130 CMR 516.002: Date of Application; and
- (2) must not be the same bills or the same portions of the bills that are used to meet a deductible based on income.

(C) Date of Eligibility. The date of eligibility for otherwise eligible individuals described at

130 CMR 520.004(A)(1)(b) is the date that his or her incurred allowable medical expenses equaled or exceeded the amount of his or her excess assets.

- (1) If after eligibility has been established, an individual submits an allowable bill with a medical service date that precedes the date established under 130 CMR 520.004(C), the MassHealth agency readjusts the date of eligibility.
- (2) In no event will the first day of eligibility be earlier than the first day of the third month before the date of the application, if permitted by the coverage type.

(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.

130 CMR 520.004.

MassHealth denied the Appellant's application for long term care benefits because it determined that the Appellant's countable assets exceeded the \$2,000 limit. 130 CMR 520.016(A), 130 CMR 520.003(A)(1). The record was held open and extended several times for the Appellant and her representative to provide proof that the Appellant's countable assets were below the \$2,000.00 limit. None was provided. The Appellant's countable assets exceed the MassHealth limit of \$2,000.00 and the Appellant is not financially eligible for MassHealth. The Appellant has not demonstrated that MassHealth erred in denying the Appellant's application for MassHealth long-term-care services. 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.

Emily T. Sabo, Esq.
Hearing Officer
Board of Hearings

[REDACTED]

cc: MassHealth Representative: Quincy MEC, Attn: Cassandra Moura, 100 Hancock Street, 6th Floor, Quincy, MA 02171