

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



|                         |                 |                        |            |
|-------------------------|-----------------|------------------------|------------|
| <b>Appeal Decision:</b> | Denied          | <b>Appeal Number:</b>  | 2506048    |
| <b>Decision Date:</b>   | 06/26/2025      | <b>Hearing Date:</b>   | 05/13/2025 |
| <b>Hearing Officer:</b> | Alexandra Shube | <b>Record Open to:</b> | 06/20/2025 |

**Appearance for Appellant:**

*Via telephone:*



**Appearance for MassHealth:**

*Via telephone:*

K'eisha McMullen



*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

|                           |   |                          |              |
|---------------------------|---|--------------------------|--------------|
| <b>Appeal Decision:</b>   | Denied  | <b>Issue:</b>            | LTC – Assets |
| <b>Decision Date:</b>     | 06/26/2025  | <b>Hearing Date:</b>     | 05/13/2025   |
| <b>MassHealth’s Rep.:</b> | K’eisha McMullen  | <b>Appellant’s Rep.:</b> | [REDACTED]   |
| <b>Hearing Location:</b>  | Springfield<br>MassHealth<br>Enrollment Center,<br>Remote | <b>Aid Pending:</b>      | 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 18, 2025, MassHealth denied the appellant's application for MassHealth benefits because MassHealth determined that she was over the allowable asset limit (see 130 CMR 520.003 and Exhibit 1). The appellant filed this appeal in a timely manner on April 15, 2025 (see 130 CMR 610.015(B) and Exhibit 2). Denial of assistance is valid grounds for appeal (see 130 CMR 610.032).

At the request of the appellant’s representative, the record was held open until June 13, 2025 for the appellant’s representatives to submit proof of spend down. MassHealth was given until June 20, 2025 to review and respond to the appellant’s submission.

### Action Taken by MassHealth

MassHealth denied the appellant MassHealth benefits because she was over the allowable asset limit.

## **Issue**

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 520.003, in determining that the appellant was over assets to qualify for MassHealth benefits.

## **Summary of Evidence**

The representatives for the appellant and MassHealth both appeared at hearing via telephone. The MassHealth representative testified as follows: the appellant is an individual over the age of 65 and a resident of a nursing facility. On November 15, 2024, MassHealth received an application for long-term care benefits on behalf of the appellant, requesting a start date of November 16, 2024. On February 18, 2025, MassHealth denied the appellant's application for being over the allowable asset limit. This is the notice under appeal. The appellant had \$72.80 in her personal needs allowance (PNA) account, \$3,437.82 in a checking account, \$8,166.14 in a savings account, and \$5,495.14 in a CD account, putting her over the \$2,000 asset limit. Combined, her assets were \$17,171.90, putting her \$15,171.90 over the allowable limit. MassHealth requires proof that the assets have been spent down and the appellant is within the allowable limit.

The appellant's representative did not dispute the asset amount, but stated that the resident has already been discharged and it has been very difficult to get her to do the spend down. She has been in contact with the resident and is working on it.

The record was held open until June 13, 2025 for the appellant to submit verifications showing proof of spend down and until June 20, 2025 for MassHealth to review and respond. This hearing officer and MassHealth did not hear from the appellant's representative until June 23, 2025. At that time, the appellant submitted bank statements and asked that MassHealth be allowed to still consider them. Despite the submission being ten days late, this hearing officer requested that the MassHealth representative review them. On June 24, 2025, the MassHealth representative responded that she reviewed the bank statements submitted and the appellant was still over assets by \$7,865.66.

## **Findings of Fact**

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

1. The appellant is an individual over the age of 65 and is a resident of a nursing facility (Testimony and Exhibit 4).
2. On November 15, 2024, MassHealth received a long-term care application on behalf of the appellant requesting a start date of November 16, 2024 (Testimony and Exhibit 5).

3. On February 18, 2025, MassHealth denied the application for being over the allowable asset limit (Testimony and Exhibit 1).
4. The appellant had \$17,171.90 in assets, putting her \$15,171.90 over the \$2,000 asset limit (Testimony and Exhibit 1).
5. On April 15, 2025, the appellant timely appealed the denial notice (Exhibit 2).
6. The appellant has a checking account, banking account, and CD account that are putting her over the allowable asset limit (Testimony).
7. The record was held open until June 13, 2025 for the appellant to provide proof of spend down. MassHealth was given until June 20, 2025 to review and respond. (Testimony and Exhibit 6).
8. On June 23, 2025, ten days after the appellant's record open due date, the appellant's representative submitted bank statements and requested that they still be considered, even though they were late. This hearing officer asked MassHealth to review them. (Exhibit 7).
9. On June 24, 2025, the MassHealth representative responded that she had reviewed the bank statements, but the appellant was still \$7,865.66 over assets (Exhibit 7).

## **Analysis and Conclusions of Law**

Pursuant to 130 CMR 520.003(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 \$2,000 for an individual. Furthermore, 130 CMR 520.004 states the following regarding 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...

MassHealth denied the appellant's application for being over the allowable asset limit. At hearing, MassHealth testified that the appellant was \$15,171.90 over the allowable asset limit. The appellant's representative did not dispute this asset amount and was given additional time through a record open period to provide proof of spend down. At the close of the record open period (over seven months from the date of the application), the appellant had not provided sufficient verification to show that she was within the allowable \$2,000 asset limit. Based on testimony and available documentation, the appellant is still over the allowable asset limit and 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.

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Alexandra Shube  
Hearing Officer  
Board of Hearings

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MassHealth Representative: Dori Mathieu, Springfield MassHealth Enrollment Center, 88 Industry Avenue, Springfield, MA 01104