

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2509380
<b>Decision Date:</b>	09/11/2025	<b>Hearing Date:</b>	07/24/2025
<b>Hearing Officer:</b>	Kimberly Scanlon		

**Appearance for Appellant:**



**Appearance for MassHealth:**

Christopher Champagne, Springfield 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

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	Long-term care; Over 65; Patient-Paid Amount
<b>Decision Date:</b>	09/11/2025	<b>Hearing Date:</b>	07/24/2025
<b>MassHealth's Rep.:</b>	Christopher Champagne	<b>Appellant's Rep.:</b>	██████████
<b>Hearing Location:</b>	Springfield MassHealth Enrollment Center Room 1 (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 June 9, 2025, MassHealth informed the appellant that her Patient Paid Amount (PPA) to the nursing facility changed to \$355.99 beginning on July 1, 2025, because MassHealth determined that her countable income has increased. (Exhibit 1). The appellant filed this appeal in a timely manner on or about June 16, 2025. (Exhibit 2). Dispute of a PPA is a valid basis for appeal. (130 CMR 610.032).

### Action Taken by MassHealth

MassHealth notified the appellant that her PPA to the nursing facility changed to \$355.99 per month beginning on July 1, 2025, due to an increase in her countable income.

## Issue

The issue on appeal is whether MassHealth correctly determined the appellant's PPA changed to \$355.99 beginning on July 1, 2025, due to an increase in her countable income.

## Summary of Evidence

The MassHealth representative appeared at hearing by telephone and testified that the appellant is over the age of 65 and she has been in a long-term care facility since [REDACTED]. On June 9, 2025, MassHealth informed the appellant that her PPA will change from \$0.00 to \$355.99 beginning on July 1, 2025, because MassHealth determined that her countable income has increased. (Exhibit 1). MassHealth calculated the PPA by taking the appellant's net Social Security/Railroad Retirement income of \$983, less the allowable deductions of: \$72.80 for personal needs allowance (PNA), \$201.05 for a spouse in home, and \$353.16 for other health insurance. *Id.*

The appellant appeared at the hearing by telephone. She did not dispute her income. The appellant has a mortgage, electric bill, credit card bills, and a cell phone bill, which would put her family in a tough situation if she were to lose \$355.99 from her income. (Exhibit 2). In support of her argument, the appellant submitted copies of payment receipts for a storage unit, real estate taxes, mortgage, credit card bills, her spouse's income from retirement, and health insurance deductions. (Exhibit 5).

In response, the MassHealth representative stated that he processed the documentation that the appellant submitted. *Id.* He explained that while he updated the appellant's health insurance deductions, her spouse's income, mortgage, and property taxes, the MassHealth regulations do not allow him to factor in storage unit bills and credit card bills in calculating the change in her PPA. (See, 130 CMR 520.026).<sup>1</sup> He stated that MassHealth will issue a new PPA notice to the appellant, reflecting his updates.

The appellant stated that she did not initially understand how MassHealth calculated her PPA. She stated that she would review the June 9<sup>th</sup> MassHealth notice again, now that she has heard MassHealth's testimony. Post-hearing the MassHealth representative submitted additional documentation explaining how he calculated the appellant's spousal maintenance needs allowance. (Exhibit 6).

---

<sup>1</sup> The MassHealth representative further stated that there appeared to be an increase in the appellant's spouse's income, based on the appellant's submission.

## Findings of Fact

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

1. The appellant is over the age of 65 and she was admitted to a nursing facility in [REDACTED]
2. On June 9, 2025, MassHealth informed the appellant that her PPA will change from \$0.00 to \$355.99 beginning on July 1, 2025, because MassHealth determined that her countable income has increased.
3. MassHealth determined that the appellant has a gross Social Security/Railroad Retirement income of \$983.
4. The appellant is entitled to a deduction for her PNA of \$72.80, for a spouse in the home, of \$201.05, and her health insurance premium of \$353.16. She does not qualify for any other deduction in the calculation of the patient-paid amount.
5. The appellant timely appealed this MassHealth action.

## Analysis and Conclusions of Law

The issue in this appeal is whether MassHealth correctly determined the appellant's PPA change from \$0 to \$355.99 beginning on July 1, 2025, due to an increase in her countable income. The PPA is the amount that a member in a long-term care facility must contribute to the cost of his or her care under the laws of the Commonwealth of Massachusetts. (130 CMR 515.001). By regulation, MassHealth allows several deductions from the member's income in calculating the PPA. (130 CMR 520.026).

In accordance with 130 CMR 520.026, general income deductions must be taken in the following order: a personal-needs allowance; a spousal-maintenance-needs allowance; a family-maintenance-needs allowance for qualified family members; a home-maintenance allowance; and health-care coverage and incurred medical and remedial-care expenses. These deductions are used in determining the monthly patient-paid amount.

In this case, MassHealth deducted a personal needs allowance, a spousal-maintenance-needs allowance, and health-care coverage but determined that she is not eligible for any other deductions. The appellant did not present any evidence to suggest that MassHealth made any errors in its calculations. The personal needs allowance is a set figure. The appellant has updated her new health insurance premium costs, but presented no evidence to show that the figure MassHealth previously used was inaccurate. Similarly, for the spousal maintenance needs

allowance (SMNA), the appellant has presented updated figures but did not demonstrate that MassHealth's initial calculation was inaccurate.

To calculate the SMNA, MassHealth first determines the minimum monthly maintenance needs allowance (MMMNA) by adding the federal standard maintenance allowance and an excess shelter allowance determined by calculating the difference between the standard shelter expense and the shelter expenses for the community spouse's principal residence, including 1. the actual expenses for rent, mortgage (including interest and principal), property taxes and insurance, and any required maintenance charge for a condominium or cooperative; and 2. the applicable standard deduction under the Supplemental Nutrition Assistance Program for utility expenses. (130 CMR 520.017(B)). If the community spouse's gross income is less than the amount he needs to live in the community (MMMNA) as determined by MassHealth, MassHealth may deduct an amount from the institutionalized spouse's countable-income amount to meet this need. This amount is the spousal-maintenance-needs deduction. (130 CMR 520.026(B)). Here, MassHealth correctly calculated the SMNA of \$201.05 by subtracting the spouse's income of \$3,948 from his MMMNA of \$3,746.95. (Exhibit 6, p. 16).<sup>2</sup>

There is no evidence that the appellant is eligible for family-maintenance needs allowance for qualified family members such as: a minor child, a dependent child, parent, or sibling. (See, 130 CMR 520.026(C)). The appellant is not eligible for a home-maintenance allowance because her nursing home stay began in [REDACTED]. Thus, her eligibility for the home maintenance needs deduction ended six months later. (See, 130 CMR 520.026(D)). There is also no evidence that the appellant qualifies for any of the other deductions (apart from those for the PNA, SMNA, and health-care coverage) set forth in 130 CMR 520.026.

While it is understandable that the appellant would like the additional income to cover her expenses, there is no evidence that MassHealth erred in calculating her PPA to be \$355.99 beginning July 1, 2025. The appeal is denied.<sup>3</sup>

## **Order for MassHealth**

None.

## **Notification of Your Right to Appeal to Court**

---

<sup>2</sup> While not specifically argued here, the appellant has not demonstrated that an increase to the spouse's MMMNA is warranted based on exceptional circumstances per 130 CMR 520.017(D)(1). Exceptional circumstances are limited to those necessities that arise from the medical condition, frailty, or similar special needs of the community spouse, and the appellant did not present evidence related to the health or other special needs of her spouse.

<sup>3</sup> This denial does not preclude the appellant from timely appealing any subsequent MassHealth notices received, including the updated PPA notice discussed at the hearing.

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.

---

Kimberly Scanlon  
Hearing Officer  
Board of Hearings

cc:

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