

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2509605
Decision Date:	11/6/2025	Hearing Date:	07/29/2025
Hearing Officer:	Mariah Burns	Record Open to:	10/03/2025

Appearance for Appellant:



Appearance for MassHealth:

Kelly Souza, Taunton MassHealth Enrollment Center



*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:	Over 65; Long-Term Care Eligibility; Assets
Decision Date:	11/6/2025	Hearing Date:	07/29/2025
MassHealth's Rep.:	Kelly Souza	Appellant's Rep.:	
Hearing Location:	Telephone (Taunton)	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 May 6, 2025, MassHealth denied the appellant's renewal application for MassHealth long-term benefits because MassHealth determined that the appellant was over the asset limit to qualify. *See* 130 CMR 520.003 and Exhibit 1. The appellant filed this appeal in a timely manner on June 30, 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 long-term care benefits.

Issue

The appeal issue is whether the appellant showed that she properly spent down her assets to qualify for MassHealth.

Summary of Evidence

The appellant is an adult over the age of 65 who currently resides in a skilled nursing facility. She

was represented at hearing by a family member who is her power of attorney. MassHealth was represented by a worker from the Taunton MassHealth Enrollment Center. The following is a summary of the evidence and testimony provided at hearing:

On January 15, 2024, the appellant filed a renewal application for MassHealth long-term care benefits. On May 6, 2025, MassHealth denied that application after determining that the appellant was over the asset limit to qualify. At hearing, the MassHealth representative reported that MassHealth verified that the appellant had \$272,229.56 in a bank account she owned as of the most recently provided statement, making her \$270,229.56 over the asset limit. In June 2025, MassHealth received an undated bank statement from that account that showed the account had a balance of \$578.00, but it provided no indication of when that snapshot was taken or where the large sum of money went.

The appellant's representative confirmed that the large sum of money was deposited into the appellant's bank account after the sale of her home. The MassHealth representative stated that MassHealth previously placed a lien on the property and may be looking to recoup the money it has already paid on the appellant's behalf. The record was therefore open until September 2, 2025, for the appellant's representative to determine whether the family wished to proceed with a MassHealth application. On August 28, 2025, that record open period was extended until October 3, 2025, at the appellant's request. Since that request, the Board of Hearings has not received any documentation or communication from the appellant regarding this appeal.

Findings of Fact

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

1. The appellant is an adult over the age of 65 who currently resides in a skilled nursing facility. Testimony, Exhibit 1, Exhibit 5.
2. On January 14, 2024, the appellant filed a renewal application for MassHealth long-term care benefits. Exhibit 1.
3. On May 6, 2025, the application was denied after MassHealth determined that the appellant was \$270,229.56 over the asset limit to qualify. Exhibit 1.
4. The appellant filed a timely request for fair hearing on June 30, 2025. Exhibit 2.
5. The appellant's representative agrees that the appellant's bank account contained \$272.229.56, primarily in proceeds from the sale of the appellant's home. Testimony.
6. The appellant provided an undated bank statement that showed that the account in question

contained \$578.00. Exhibit 5. The appellant did not provide proof of a spenddown during the record-open period.

Analysis and Conclusions of Law

MassHealth administers and is responsible for delivery of healthcare benefits to MassHealth members. *See* 130 CMR 515.002. Eligibility for MassHealth benefits differs depending on an applicant's age. 130 CMR 515.000 through 522.000 (referred to as Volume II) provide the requirements for non-institutionalized persons aged 65 or older, institutionalized persons of any age, persons who would be institutionalized without community-based services, and certain Medicare beneficiaries. 130 CMR 515.002(B). As the appellant is over 65 years old and an institutionalized person, she is subject to the requirements of the provisions of Volume II. 130 CMR 515.002.

Long-term care residents are eligible for MassHealth Standard coverage if they meet the following requirements:

- (1) be younger than 21 years old or 65 years of age or older or, for individuals 21 through 64 years of age meet Title XVI disability standards or be pregnant;
- (2) be determined medically eligible for nursing facility services by the MassHealth agency or its agent as a condition for payment, in accordance with 130 CMR 456.000: Long Term Care Services;
- (3) contribute to the cost of care as defined at 130 CMR 520.026: Long-term-care General Income Deductions;
- (4) have countable assets of \$2,000 or less for an individual and, for married couples where one member of the couple is institutionalized, have assets that are less than or equal to the standards at 130 CMR 520.016(B): Treatment of a Married Couple's Assets When One Spouse Is Institutionalized; and
- (5) not have transferred resources for less than fair market value, as described at 130 CMR 520.018: Transfer of Resources Regardless of Date of Transfer and 520.019: Transfer of Resources Occurring on or after August 11, 1993.

130 CMR 519.006(A). Countable assets include balances of bank accounts and proceeds from the sale of real estate. *See* 130 CMR 520.007(B)(1) and (G)(5). Applicants have an opportunity to show a reduction of assets to the allowable limit to establish eligibility. *See generally* 130 CMR 520.004. In such instances, "MassHealth...requires the applicant to verify that...[their] excess assets were reduced to the allowable asset limit within the required timeframes." *Id.* at 520.004(D). This reduction of assets is colloquially known as a "spend-down," and must be done without violating the transfer of resource provisions for nursing facility residents at 130 CMR 520.019(F), or risk incurring a period of ineligibility in accordance with that regulation. *Id.* at 520.004(A)(1).

Here, the appellant agrees that her bank account contained \$272,229.56, which largely included proceeds from the sale of her home, prior to the issuance of the notice on appeal. That account balance is considered a countable asset under the regulations. The bank statement that she provided showing that the account contained \$578.00 was undated, and she submitted no additional proof that she appropriately spent down those assets during the time allowed. The appellant has not demonstrated that she is currently under the asset limit to qualify for long-term care benefits. Therefore, I find no error in MassHealth's May 6, 2025 decision to deny her long-term care benefit application.

For the foregoing reasons, the appeal is hereby 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.

Mariah Burns
Hearing Officer
Board of Hearings

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MassHealth Representative: Justine Ferreira, Taunton MassHealth Enrollment Center