

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



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|-------------------------|-------------------|------------------------|------------|
| Appeal Decision: | Denied | Appeal Number: | 2509619 |
| Decision Date: | 08/08/2025 | Hearing Date: | 07/23/2025 |
| Hearing Officer: | Susan Burgess-Cox | Record Open to: | 08/04/2025 |

Appearance for Appellant:



Appearance for MassHealth:

Jenny Chan for Stephanie Mowles



*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: | 08/08/2025 | Hearing Date: | 07/23/2025 |
| MassHealth's Rep.: | Jenny Chan for Stephanie Mowles | Appellant's Rep.: | |
| Hearing Location: | All Parties Appeared by Telephone | | |

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 7, 2025, MassHealth denied the appellant's application for long-term care services because the appellant has more countable assets than MassHealth benefits allow. (130 CMR 520.003; 130 CMR 520.004; Exhibit 1). The appellant filed a timely appeal on June 26, 2025. (130 CMR 610.015; Exhibit 2). Denial of assistance is valid grounds for appeal. (130 CMR 610.032).

At the hearing, the Board of Hearings granted a request from the appellant's representative to keep the record open for the submission of additional evidence. (Exhibit 8). This action resulted in an extension of the decision due date to October 2, 2025.

Action Taken by MassHealth

MassHealth denied the appellant's application for long-term care services because the appellant has more countable assets than MassHealth benefits allow. (130 CMR 520.003; 130 CMR 520.004).

Issue

Whether MassHealth was correct in determining that the appellant has more countable assets than MassHealth benefits allow.

Summary of Evidence

The MassHealth representative presented documents that were incorporated into the hearing record as Exhibit 4.

On January 21, 2025, MassHealth received an application for long-term care. On January 28, 2025, MassHealth issued a request for information. On February 5, 2025, MassHealth issued an updated request for information. On March 4, 2025, MassHealth denied the application for failure to provide information necessary to complete the application. On March 31, 2025, MassHealth issued a third request for information. On May 7, 2025, MassHealth denied the application due to the appellant having more countable assets than MassHealth benefits allow.

The agency provided the appellant with the regulatory 30-day period to spend-down the assets. (Testimony; Exhibit 1; Exhibit 4). As of the date of the hearing in July 2025, the appellant had not demonstrated to the agency that the assets were spent down. The appellant's representative testified that a payment was made to the facility but did not have evidence showing that the appellant was now under the asset limit. The record was held open to provide the appellant's representative with the opportunity to submit additional evidence. (Exhibit 5).

During the record open period, the appellant's representative presented documents to the MassHealth representative but not the Board of Hearings. The MassHealth representative reviewed the documents sent to the agency noting that the appellant's bank account balance increased from the time of the eligibility decision on appeal. The MassHealth representative received bank statements from May 16, 2025 to July 15, 2025. The balance on the July 15, 2025 statement was \$10,921.87. MassHealth subtracted the appellant's monthly income from that amount resulting in an asset amount of \$8,218.83. The appellant's representative acknowledged the asset amount presented by the MassHealth representative and asked the Board of Hearings for additional time to spend down the additional assets. That request was denied.

Findings of Fact

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

1. The appellant submitted an application for MassHealth long-term care.

2. MassHealth denied the application due to the appellant having excess assets.
3. MassHealth considered countable assets at the time of the eligibility decision as funds in a bank account with a balance of \$3,442.41.
4. As of the date of the hearing, the appellant could not produce evidence of an asset spenddown.
5. From the date of May 2025 decision on appeal to the hearing date in July 2025, the appellant's assets increased.
6. As of July 15, 2025, the appellant had countable assets totaling \$8,218.83.

Analysis and Conclusions of Law

MassHealth administers and is responsible for the delivery of health-care services to MassHealth members. (130 CMR 515.002). The regulations governing MassHealth at 130 CMR 515.000 through 522.000 (referred to as Volume II) provide the requirements for noninstitutionalized persons aged 65 or older, institutionalized persons of any age, persons who would be institutionalized without community-based services, as defined by Title XIX of the Social Security Act and authorized by M.G.L. c. 118E, and certain Medicare beneficiaries. (130 CMR 515.002). The appellant in this case is an institutionalized person. Therefore, the regulations at 130 CMR 515.000 through 522.000 apply to this case. (130 CMR 515.002).

Countable assets are all assets that must be included in the determination of eligibility. (130 CMR 520.007). 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. (130 CMR 520.003(A)(1)). At the time of the eligibility decision, the appellant's assets exceeded this limit. During the appeal, the appellant failed to demonstrate that the asset amount presented by MassHealth was not correct or that the assets were spent down. The decision made by MassHealth was correct.

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.

Susan Burgess-Cox
Hearing Officer
Board of Hearings

CC:

[REDACTED]

MassHealth Representative: Quincy MEC, Attn: Appeals Coordinator, 100 Hancock Street, 6th Floor, Quincy, MA 02171