

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Approved in Part; Denied in Part	<b>Appeal Number:</b>	2509859
<b>Decision Date:</b>	11/26/2025	<b>Hearing Date:</b>	July 30, 2025
<b>Hearing Officer:</b>	Stanley M. Kallianidis	<b>Record Open Date:</b>	September 30, 2025

**Appellant Representative:**



**MassHealth Representative:**

Carmen Sola, Taunton



*Commonwealth of Massachusetts  
Executive Office of Health and Human Services  
Office of Medicaid  
Board of Hearings  
100 Hancock Street, 6<sup>th</sup> Floor  
Quincy, MA 02171*

# APPEAL DECISION

<b>Appeal Decision:</b>	Approved in Part; Denied in Part	<b>Issue:</b>	Transfer of Assets
<b>Decision Date:</b>	11/26/2025	<b>Hearing Date:</b>	July 30, 2025
<b>MassHealth Rep.:</b>	Carmen Sola	<b>Appellant Representative:</b>	[REDACTED]

## Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder.

## Jurisdiction

Through notice dated June 6, 2025, MassHealth denied the appellant's application for MassHealth benefits for the period January 25, 2025-December 7, 2025 due to a disqualifying transfer (see Exhibit 1). The appellant filed this appeal in a timely manner on July 2, 2025 (see 130 CMR 610.015) and Exhibit 2). A dispute over the amount of assistance is valid grounds for appeal (see 130 CMR 610.032).

On July 8, 2025, a hearing notice was sent to the parties (Exhibit 3).

## Action Taken by MassHealth

MassHealth denied the appellant's application for MassHealth benefits for the period January 25, 2025-December 7, 2025.

## Issue

Was MassHealth correct, pursuant to 130 CMR 520.019, in determining that the appellant made a disqualifying transfer of \$150,000.00?

## Summary of Evidence

The MassHealth representative testified that the appellant applied for MassHealth long-term care on January 3, 2025. She was admitted into her facility in the summer of 2024. The application was denied for the period January 25, 2025-December 7, 2025 due to a disqualifying transfer of \$150,000.00 (Exhibit 1).

The MassHealth representative submitted a packet into the record which documented an online transfer of \$150,000.00 from the appellant's checking account to her daughter and son-in-law's checking account that was executed in January 2021. Also included were copies of checks from 2021 that her daughter son-in-law used to make home improvements and a 2021 copy of a check from the appellant that was used to purchase a car. Because there was no evidence that any of these purchases were for the appellant's benefit, they were not deducted from the transferred amount of \$150,000.00 (Exhibit 4).

The ineligibility period was 341 days. This was determined by taking the total transferred amount, \$150,000.00, and dividing it by the average daily private nursing home rate, \$441.00, beginning January 25, 2025, the date that she was otherwise eligible for MassHealth (Exhibit 1).

The appellant's attorney contended that the \$150,000.00 that the appellant transferred to her daughter and son-in-law was not a disqualifying transfer because the appellant received fair-market value for these funds. He explained that the appellant moved in with her daughter in August 2019 after her son died because she could no longer take care of herself. The appellant promised to pay her daughter rent once her mobile home was sold. The appellant also promised to pay her daughter to take care of her, and for improvements to be made to the rear section of the daughter's home that was to be her living quarters. He was not aware of for whom the car was purchased.

The record was left open for the appellant to submit additional information to the MassHealth representative in order to document that all or a portion of the transferred amount was used for the appellant's benefit and for MassHealth to respond (Exhibit 5).

Based upon what was submitted, the MassHealth representative indicated that she could not modify the original \$150,000.00 disqualifying transfer figure (Exhibit 6).

According to the appellant's attorney's memorandum of law, the appellant has a long history of mental and physical impairments. She also has a gambling addiction which was the main reason that she transferred the \$150,000.00 to her daughter and son-in-law as she was unable to

responsibly manage her own funds. He stated and documented that at the time the appellant moved in with her daughter, she executed a lease agreement which set her monthly rent at \$2,000.00. He explained that part of the \$150,000.00 was used to pay the rent, and also to pay for home repairs to the appellant's living quarters in the daughter's home. He also stated that the appellant agreed to pay her daughter for her care, and that the two entered into a written retroactive caregiver services contract in July 2025 (Exhibit 7).

Finally, the appellant's attorney argued that there should not be disqualifying transfer penalty because the appellant never intended to qualify for MassHealth. The intent was that the appellant would move in with her daughter and that the daughter provide her with the care that she needed (Exhibit 7).

## **Findings of Fact**

Based on a preponderance of the evidence, I find:

1. The appellant applied for MassHealth long-term care on January 3, 2025 (Exhibit 4).
2. The appellant was admitted into her facility in the summer of 2024 (testimony).
3. The application was denied for the period January 25, 2025-December 7, 2025 due to a disqualifying transfer of \$150,000.00 (Exhibit 1).
4. The ineligibility period was 341 days using the average daily private nursing home rate, \$441.00 beginning January 25, 2025 (Exhibit 1).
5. An online transfer of \$150,000.00 from the appellant's checking account to her daughter and son-in-law's checking account was executed in January 2021 (Exhibit 4).
6. The appellant moved in with her daughter in August 2019 after her son died because she could no longer take care of herself (Exhibit 7 and testimony).
7. The appellant has a long history of physical and mental impairments (Exhibit 7 and testimony).
8. The appellant agreed to pay her daughter monthly rent of \$2,000.00 and that the daughter would be paid once the appellant's mobile home was sold (Exhibit 7 and testimony).
9. The appellant lived with her daughter approximately for 59 months before she entered her nursing facility (Exhibit 7 & testimony).
10. The appellant's daughter made improvements to her home after the appellant moved in (Exhibit 7).

11. The appellant and her daughter entered into a written retroactive caregiver services contract in July 2025 (Exhibit 7).

## Analysis and Conclusions of Law

MassHealth considers any transfer during the appropriate look-back period by the nursing-facility resident or spouse of a resource, or interest in a resource, owned by or available to the nursing-facility resident or the spouse (including the home or former home of the nursing-facility resident or the spouse) for less than fair-market value a disqualifying transfer unless listed as permissible in 130 CMR 520.019(D), identified in 130 CMR 520.019(F), or exempted in 130 CMR 520.019(J). MassHealth may consider as a disqualifying transfer any action taken to avoid receiving a resource to which the nursing-facility resident or spouse is or would be entitled if such action had not been taken. Action taken to avoid receiving a resource may include, but is not limited to, waiving the right to receive a resource, not accepting a resource, agreeing to the diversion of a resource, or failure to take legal action to obtain a resource. In determining whether or not failure to take legal action to receive a resource is reasonably considered a transfer by the individual, MassHealth will consider the specific circumstances involved. A disqualifying transfer may include any action taken which would result in making a formerly available asset no longer available (130 CMR 520.019(C)).

130 CMR 520.019(F) provides with regard to intent of transferring assets:

Determination of Intent: In addition to the permissible transfers described in 130 CMR 520.019(D), MassHealth will not impose a period of ineligibility for transferring resources at less than fair-market value if the nursing-facility resident or the spouse demonstrates to MassHealth's satisfaction that:

- (1) the resources were transferred exclusively for a purpose other than to qualify for MassHealth; or
- (2) the nursing-facility resident or spouse intended to dispose of the resource at either fair-market value or for other valuable consideration. Valuable consideration is a tangible benefit equal to at least the fair-market value of the transferred resource.

In the instant appeal, I have found that the appellant applied for MassHealth long term care on January 3, 2025 after she was admitted into her facility in the summer of 2024. The application was denied for the period January 25, 2025-December 7, 2025 due to a disqualifying transfer of \$150,000.00. At issue is an online transfer for that amount that was made from the appellant's checking account to her daughter and son-in-law's checking account in January 2021.

By way of history, the appellant moved in with her daughter in August 2019 because she could no longer take care of herself due to her long history of physical and mental impairments. The two agreed that the appellant would pay monthly rent of \$2,000.00 once her mobile home was sold.

The appellant's daughter made improvements to her home after the appellant moved in. The appellant lived with her daughter approximately for 59 months before she entered her nursing facility. This would make rent that was owed of \$118,000.00.

I conclude that the appellant received fair-market value of \$118,000.00 for the years that she lived in her daughter's home due to the rent that was owed. I find, however, that the appellant did not receive fair-market value for the home improvement expenses that were made to the home because the appellant had no ownership interest in the property and also because she already agreed to pay rent to live there. With regard to the personal services contract, this was drawn up in 2025, which was after the appellant moved into her nursing facility and therefore it cannot be considered to be a fair-market expense of the appellant.

Finally, where there is no dispute that the appellant could not live on her own due to her physical and mental impairments, I find that the transfer of \$150,000.00 was not made "*exclusively* (emphasis added) for a purpose other than to qualify for MassHealth." Thus, while the appellant may have had other reasons for making the transfer, qualifying for MassHealth was nonetheless a factor which satisfies the intent requirement of the regulation.

Accordingly, the appellant made a net disqualifying transfer of \$32,000.00 (\$150,000.00 transfer minus the \$118,000.00 fair market value of the rent).

The appeal is therefore approved in part and denied in part given that the penalty figure has been revised down to \$32,000.00.

## **Order for MassHealth**

Recalculate penalty period based on disqualifying transfer of \$32,000.00.

## Implementation of this Decision

If this decision is not implemented within 30 days after the date of this notice, you should contact your local office. If you experience problems with the implementation of this decision, you should report this in writing to the Director of the Board of Hearings at the address on the first page of this decision.

## 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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Stanley M. Kallianidis  
Hearing Officer  
Board of Hearings

cc:

Taunton MEC

