

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2510011
Decision Date:	09/05/2025	Hearing Date:	07/30/2025
Hearing Officer:	Amy B. Kullar, Esq.	Record Open to:	08/29/2025

Appearance for Appellant:



Appearance for MassHealth:

Joanne Weldon, 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:	Long Term Care; Excess Assets
Decision Date:	09/05/2025	Hearing Date:	07/30/2025
MassHealth's Rep.:	Joanne Weldon	Appellant's Rep.:	[REDACTED]
Hearing Location:	Taunton MassHealth Enrollment Center Room 2 (Telephone)	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 23, 2025, MassHealth denied the appellant's application for long-term care (LTC) benefits in a nursing facility on the grounds that the appellant had more countable assets than MassHealth benefits allow. *See* 130 CMR 520.003, 130 CMR 520.004, and Exhibit 1. The appellant filed this appeal in a timely manner on July 7, 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 because MassHealth determined the appellant has more countable assets than MassHealth benefits allow.

Issue

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

Summary of Evidence

The appellant is a single adult who is over the age of 65 and who resides in a skilled nursing facility; she was represented at hearing by her daughter, who is also her attorney-in-fact.¹ MassHealth was represented by a worker from the Taunton MassHealth Enrollment Center. All parties appeared by telephone. The following is a summary of the testimony and evidence presented at hearing.

The MassHealth representative testified that on February 12, 2025, an application for MassHealth LTC benefits was filed on the appellant's behalf, seeking coverage beginning January 2, 2025. The issue at this appeal is that the appellant has excess countable assets. She explained that prior to the appellant filing her appeal request in July 2025, the appellant's real property had been owned by a revocable trust created by the appellant, and as a result, the assets owned by the trust were countable to the appellant. The value of the real property is \$1,854,800.00, and the value of that asset was the basis for the issuance of the appellant's May 23, 2025 denial notice that is on appeal today.

She continued her testimony and stated that prior to this hearing, the appellant submitted new information to MassHealth. The real property had been removed from the appellant's revocable trust and placed in the individual name of the appellant.² The MassHealth representative stated that the real property is no longer considered to be a countable asset to the appellant, because MassHealth can now place a lien on the real property upon approval of the appellant's application for MassHealth benefits.³ Testimony. However, in her prehearing submissions of information to MassHealth, the appellant's representative also submitted previously unknown financial account statements to MassHealth that show that the appellant is the owner of securities and stocks in her individual name. Testimony and Exhibit 5. These stocks and securities were verified by MassHealth and are countable to the appellant until the appellant provides proof that these assets have been cashed in and deposited in the appellant's bank account. The value of these assets as listed by the appellant's representative is \$52,034.96 as of the date of the hearing. See Exhibit 5 at 15. The MassHealth representative is still reviewing these prehearing submissions from the appellant,

¹ See Exhibit 2 at 2-6, Durable Power of Attorney for Merylle-Lee Thompson dated January 20, 2018.

² See Exhibit 6; this prehearing submission from the appellant consists of a Certificate of Trust and a Deed from the Trustee of the appellant's Revocable Trust dated June 5, 2025, that conveys the appellant's real property from the appellant's Revocable Trust to the appellant, individually. A date stamp on both documents indicate that they were recorded at the ██████████ County Registry of Deeds on June 23, 2025.

³ MassHealth regulations at 130 CMR 515.012 provide that the MassHealth agency may recover the cost of medical benefits paid or to be paid on behalf of a member. Before the death of a member, the MassHealth agency will place a lien against any property in which the member has a legal interest, subject to the following conditions:... (2) without a court order or judgment, and (a) the member is an inpatient receiving long-term or chronic care in a nursing facility or other medical institution; (b) none of the following individuals reside in the property: the member's spouse; children of the member who are either under the age of 21 or totally and permanently disabled, and/or a sibling of the member with a legal interest in the property. See 130 CMR 515.012(A).

including the previously unknown assets. Testimony. The MassHealth representative confirmed that the appellant's only known bank account is below the \$2,000.00 asset threshold, but that the discovery of the stocks and securities has caused to the appellant to continue to be over assets and therefore, ineligible for MassHealth benefits today. Testimony.

The appellant's representative did not dispute MassHealth's testimony regarding the timeline of the appellant's application at MassHealth, and she agreed that the appellant continues to own the stocks and securities described by the MassHealth representative in her testimony. The appellant's representative acknowledged that she herself provided the values of the assets in a schedule that she submitted to MassHealth prehearing and she did not dispute the values. Testimony. She stated that this application process has been extremely difficult and that she is grateful for the MassHealth representative's patience with her. The appellant's mother is a very, very elderly person, and thus as her daughter, the appellant's representative, is also an elderly person; she is trying to assist her mother from a great distance away, while also dealing with personal health problems for herself and her husband. Testimony. She has spent over \$50,000.00 of her own money attempting to assist her mother. Her mother had a \$400,000.00 long-term care insurance policy that she was not supposed to outlive. This long-term care policy has already been spent on the appellant's care over the last few years, and the appellant's representative was not prepared to ever handle the MassHealth application process. Testimony.

After questioning by the Hearing Officer about her plans to resolve the issues with her mother's excess assets, the appellant's representative stated that she eventually planned to sell her mother's real property and just pay her bill at the nursing home. The MassHealth representative responded that at this time, to resolve this appeal, the appellant's representative just needed to provide proof that she has cashed out the appellant's securities and stocks and deposited the proceeds into the appellant's bank account. The appellant's representative stated she would be in Massachusetts in August 2025, and she hoped that she could resolve these outstanding issues when she was physically present at her mother's property. At this time, the Hearing Officer suggested that the appellant's representative could use the next 30 days to resolve the issue of the appellant's stocks and securities and to communicate any updates on their status via email to the Hearing Officer and the MassHealth representative. At the end of the thirty day period, the appellant's representative would have a better understanding of how quickly she can complete the cashing out of the stocks and securities. The appellant's representative and the MassHealth representative agreed to this proposal and the hearing concluded shortly thereafter.

The record was held open to provide the appellant's representative with the opportunity to submit additional evidence that she was proceeding with the cashing out of the appellant's stocks and securities that were valued at \$52,034.96 as of the date of the hearing. Exhibit 7. On September 3, 2025, the MassHealth representative emailed the appellant's representative and the Hearing Officer, requesting an update as to the status of this appeal. Exhibit 8. The appellant's representative responded that she would be proceeding with obtaining a loan against the

appellant's real property to close this matter, and that she would not be requesting any additional time for this appeal. Exhibit 9. On September 3, 2025, the Hearing Officer closed the administrative record.⁴

Findings of Fact

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

1. The appellant is over the age of 65 and has a household size of one. Testimony and Exhibit 4.
2. On May 23, 2025, MassHealth denied the appellant's Long-Term Care application on the grounds that she had excess assets of \$1,854,800.00. Testimony and Exhibit 5.
3. The Appellant filed a timely appeal with the Board of Hearings on July 7, 2025. Exhibit 2.
4. Additional assets belonging to the appellant, with a value of \$52,034.96, were disclosed to MassHealth after MassHealth issued the May 23, 2025 denial notice.
5. As of the date of the hearing, MassHealth and the appellant's representative agreed that the appellant had countable excess assets totaling \$52,034.96. Testimony and Exhibit 5.
6. Following the appeal hearing, the appellant representative requested that the record be kept open until August 29, 2025 so that she could proceed with cashing out the appellant's stocks and securities that were valued at \$52,034.96, which was granted. Testimony, Exhibit 7.

Analysis and Conclusions of Law

To qualify for long-term-care benefits, an applicant must complete an application and cooperate with the MassHealth agency by submitting corroborative information. *See* 130 CMR 516.001(B). If the requested verifications are received within 30 days, "the application is considered complete" and MassHealth continues to "determine the coverage type ... for which the applicant is eligible." 130 CMR 516.001(C). MassHealth may deny an application where the member has failed to provide requested information within 30 days. 130 CMR 516.001(C).

As part of this application process, MassHealth members must establish financial eligibility. This

⁴ This Hearing Officer responded to the appellant representative's email on 9/3/2025 and asked her if she would like this Hearing Officer to withdraw this appeal on her behalf or issue a decision. The appellant's representative responded via email that the Hearing Officer should do "whatever is easiest." *See* Exhibits 10, 11.

includes proving their countable assets are below a threshold and that those assets were reduced in accordance with state and federal law.

The applicable MassHealth regulations provide as follows:

519.006: Long-term-care Residents

- (A) Eligibility Requirements. Institutionalized individuals may establish eligibility for MassHealth Standard coverage subject to the following requirements. They must
- (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).

520.003: Asset Limit

- (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 the following limits:
- (1) for an individual — \$2,000; and
 - (2) for a couple living together in the community where there is financial responsibility according to 130 CMR 520.002(A)(1) — \$3,000.
- (B) The total value of countable assets owned by or available to individuals applying for or receiving MassHealth Senior Buy-In for Qualified Medicare Beneficiaries (QMB) as described in 130 CMR 519.010: *MassHealth Senior Buy-In (for Qualified Medicare Beneficiaries (QMB))* or MassHealth Buy-In for Specified Low Income Medicare Beneficiaries (SLMB) or MassHealth Buy-In for Qualifying Individuals (QI), both as described in 130 CMR 519.011: *MassHealth Buy-in*, may not exceed the amount equal to two times the amount of allowable assets for Medicare Savings Programs as

identified by the Centers for Medicare and Medicaid Services. Each calendar year, the allowable asset limits shall be made available on MassHealth's website.

(C) The treatment of a married couple's assets when one spouse is institutionalized is described in 130 CMR 520.016(B).

130 CMR 520.003.

520.016: Long-term Care: Treatment of Assets

(A) Institutionalized Individuals. The total value of assets owned by an institutionalized single individual or by a member of an institutionalized couple must not exceed \$2,000.

130 CMR 520.016(A).

Here, MassHealth denied the appellant's application on the grounds that her countable assets were verified to exceed \$2,000.00. 130 CMR 520.003(A)(1); *see also* 130 CMR 520.016(A). Specifically, as of the date of the hearing, MassHealth determined that the appellant had excess assets of \$52,034.96. Testimony and Exhibit 5. At hearing, the appellant's representative agreed with MassHealth's determination. The appellant has not provided any evidence to establish that her countable assets have been reduced to \$2,000 or less, such that she would qualify for MassHealth, despite the hearing record being left open. Accordingly, MassHealth did not err in issuing its May 23, 2025 denial notice.

The 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.

Amy B. Kullar, Esq.
Hearing Officer
Board of Hearings


cc: MassHealth Representative: Justine Ferreira, Taunton MassHealth Enrollment Center, 21 Spring St., Ste. 4, Taunton, MA 02780