

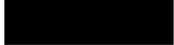
**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2510727
Decision Date:	09/12/2025	Hearing Date:	08/18/2025
Hearing Officer:	Christopher Jones	Record Open to:	09/02/2025

Appearance for Appellant:



Appearance for MassHealth:

Trish Rogers – Taunton Integration



*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:	09/12/2025	Hearing Date:	08/18/2025
MassHealth's Rep.:	Trish Rogers	Appellant's Rep.:	[REDACTED]
Hearing Location:	Telephonic	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 July 14, 2025, MassHealth denied the appellant's March 2025 long-term care application because MassHealth determined that the appellant had more countable assets than allowed. (Exhibit 1; 130 CMR 520.003; 520.004.) The appellant's guardian filed this timely appeal on July 21, 2025. (Exhibit 1; 130 CMR 610.015(B).) Denial of assistance is valid grounds for appeal. (130 CMR 610.032.)

Following the hearing, the record was held open until September 2, 2025, for the appellant to submit documentation indicating that they were working to reduce the assets or make them non-countable.

Action Taken by MassHealth

MassHealth denied the appellant's March 2025 application for long-term care benefits because the appellant had countable assets in excess of \$2,000.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 520.003 and 520.004, in determining that the appellant had countable assets in excess of \$2,000.

Summary of Evidence

MassHealth's representative testified that an application for long-term care services was filed in March 2025. The appellant is seeking nursing-facility care coverage as of April 13, 2025. MassHealth's representative noted that the full application was not needed because the appellant had been covered by community benefits. Had the facility submitted an SC-1, the member would have been automatically approved for short-term coverage. However, once a long-term care application is filed MassHealth cannot approve benefits until the full application is approved. MassHealth's representative testified that the appellant has 2 bank accounts holding a total of \$42,536.81.

The appellant's guardian testified that she does not have the authority to spend down the appellant's assets. She testified that they had filed a petition for conservatorship in order to allow a single financial transaction to move all of the appellant's assets into a supplemental needs trust that had been set up in 2022. The appellant's guardian testified that there is nothing in the trust at this time, and that she has a letter from the trustee saying that the trust was set up with \$1.

The hearing record was held open until August 25, 2025, for the appellant to submit a copy of the supplemental needs trust, a trustee's letter regarding the trust's holdings, and proof that a petition for conservatorship had been filed. The trustee was known to be out on maternity leave, and the appellant was welcome to request an extension if the trustee needed additional time to respond. The parties also agreed that the petition for conservatorship would make the assets inaccessible. MassHealth allowed until September 2, 2025, to review and respond.

The appellant's guardian never responded to the record open order. On August 26, 2025, MassHealth's representative confirmed that she had received a copy of the supplemental needs trust document via fax on August 25, 2025. No confirmation of the conservatorship filing nor trustee accounting was submitted. The appellant's guardian did not request additional time or respond to any of the follow up emails.

Findings of Fact

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

- 1) An application for long-term care services was filed in March 2025. (Testimony by MassHealth's representative; Exhibit 4.)
- 2) The appellant's verified bank accounts held \$42,536.81. (Exhibit 1; testimony by MassHealth's representative.)
- 3) The hearing record was left open for the appellant until August 25, 2025, to submit proof that a conservatorship petition had been filed, a copy of the supplemental needs trust, and an accounting from the trust's trustee. (Exhibit 6.)

- 4) On August 25, 2025, the appellant faxed a copy of the supplemental needs trust document to MassHealth. No evidence of petitioning for conservatorship was filed, nor a trustee's statement of the trust's holdings. (Exhibit 5; Exhibit 6.)

Analysis and Conclusions of Law

MassHealth members must establish financial eligibility. This includes proving their countable assets are below a threshold and those assets were reduced in accordance with state and federal law. (See 130 CMR 520.000.) Individual applicants for long-term care benefits must have less than \$2,000 in assets. (130 CMR 520.003.) Assets may be non-countable if they are inaccessible. MassHealth will consider assets inaccessible "from the period beginning six months after the date of application or acquisition, whichever is later, if [a guardian, conservator, or trustee of an irrevocable trust is being sought] (130 CMR 520.006.)

The appellant's countable assets were verified to be over the allowable limit. MassHealth was correct to deny the application. The appellant has provided no evidence that their countable assets have changed or become inaccessible because a conservator is being sought. Nor did the appellant's guardian offer any response to the record open order itself. 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.

Christopher Jones
Hearing Officer
Board of Hearings

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

