

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2510851
<b>Decision Date:</b>	12/22/2025	<b>Hearing Date:</b>	8/20/2025
<b>Hearing Officer:</b>	Patrick Grogan	<b>Record Open to:</b>	11/7/25

**Appearance for Appellant:**



**Appearance for MassHealth:**

Darien DaCosta, MassHealth Taunton

**Interpreter:**

N/A



*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

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	Eligibility under 65, Long Term Care, Excess Assets
<b>Decision Date:</b>	12/22/2025	<b>Hearing Date:</b>	8/20/2025
<b>MassHealth's Rep.:</b>	Darien DaCosta	<b>Appellant's Rep.:</b>	[REDACTED]
<b>Hearing Location:</b>	Remote (Tel)	<b>Aid Pending:</b>	No

## Authority

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

## Jurisdiction

Through Notice #68530711, dated June 4, 2025, MassHealth concluded that the Appellant was not eligible for MassHealth long term care benefits because MassHealth determined that the Appellant had not provided MassHealth with information needed and that the Appellant had more countable assets than MassHealth benefits allow for long term care services. (see 130 CMR 520.003 and Exhibit 1) Through a subsequent Notice, Notice #68597442 dated June 25, 2025, MassHealth informed the Appellant that the Appellant had more countable assets than MassHealth benefits allow for community-based services<sup>1</sup>. (Exhibit 5, pg. 10) Through another subsequent Notice, Notice #68627731, dated July 1, 2025, MassHealth informed the Appellant that the Appellant had more countable assets than MassHealth benefits allow for community-based services<sup>2</sup>. (Exhibit 7, pg. 3) The Appellant filed this appeal in a timely manner on July 23,

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<sup>1</sup> Notice #68597442 dated June 25, 2025, is not included within the Appellant's appeal request. Notice #68597442 dated June 25, 2025, is the denial of community-based services due to excess assets pursuant to 130 CMR 520.003. Since the issue under appeal, the denial due to excess assets pursuant to 130 CMR 520.003, is common to both Notices, in the interest of administrative economy, Notice #68597442 dated June 25, 2025, is consolidated and incorporated into this Appeal # 2510851.

<sup>2</sup> Notice #68627731 dated July 1, 2025, is not included within the Appellant's appeal request. Notice #68627731 dated July 1, 2025, is the denial of community-based services due to excess assets pursuant to 130 CMR 520.003. Since the issue under appeal, the denial due to excess assets pursuant to 130 CMR 520.003, is common to all Notices, in the interest of administrative economy, Notice #68627731, dated July 1, 2025, is consolidated and

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 concluded that the Appellant was not eligible for MassHealth benefits because MassHealth determined that the Appellant had more countable assets than MassHealth benefits allow. (see 130 CMR 520.003, 130 CMR 520.004 and Exhibit 1, Exhibit 5, pg. 10)

## Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 520.003 and 130 CMR 520.004, in determining that the Appellant was not eligible for MassHealth benefits because the Appellant had more countable assets than MassHealth benefits allow. (see 130 CMR 520.003, 130 CMR 520.004 and Exhibit 1, Exhibit 5, pg. 4)

## Summary of Evidence

The Appellant seeks review of the June 4, 2025 denial of MassHealth benefits due to the Appellant not providing MassHealth with information needed and due to the Appellant having more countable assets than MassHealth benefits allow for long term care services. (see 130 CMR 520.003, 130 CMR 520.004, Exhibit 1, Exhibit 2) The Appellant was represented by an Appeal Representative, who appeared telephonically. MassHealth, also, appeared telephonically. MassHealth testified that the Appellant, an individual under the age of ■ sought MassHealth long term care services, through a long term care conversation application dated April 25, 2025. (Testimony, Exhibit 1) MassHealth confirmed that the required information to make an eligibility determination had been received, and the issue under appeal is the Appellant's assets. The Appellant, as of July 29, 2025, had approximately \$7,399 in a life insurance policy and approximately \$5,179 in various bank accounts. (Testimony, Exhibit 5) Within MassHealth's submission is an additional Notice, Notice #68597442 dated June 25, 2025, which informed the Appellant that the Appellant had more countable assets than MassHealth benefits allow for community-based services. (Exhibit 5, pg. 10)

In the Fair Hearing Request Form, the Appellant indicated that the Appellant was turning over the life insurance policy to a funeral home. (Exhibit 2) The Appeal Representative did not contest the accuracy of MassHealth's calculation, rather the Appeal Representative requested additional time to provide verifications to MassHealth to show a spenddown of the excess assets. (Testimony) The Appeal Representative indicated that the Appeal Representative would be unavailable due to medical leave and requested another individual (hereinafter "Appeal

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incorporated into this Appeal # 2510851.

Representative's designee") from the facility's corporation to be included on the emails during the Record Open period, including the Record Open Form email. (Testimony) In accordance with the Appeal Representative's request at Hearing, a Record Open issued. The Appellant had until September 26, 2025 to provide proof of a spenddown, and MassHealth had until October 10, 2025 for review. (Exhibit 6)

On October 9, 2025, the Appellant, individually, sent in a facsimile request to extend the Record Open, requesting an additional month beyond the Record Open that had been granted. (Exhibit 7). Within this submission by the Appellant is an additional Notice, Notice #68627731 dated July 1, 2025, indicating that the Appellant is over assets for community-based services<sup>3</sup>. (Exhibit 7, pg. 3) Without objection, the request to extend the Record Open period was allowed. The Appellant had until October 31, 2025 to provide proof of a spenddown and MassHealth had until November 7, 2025 for review. (Exhibit 8)

On November 4, 2025, after the extended Record Open period had closed for the Appellant, MassHealth responded that no further documentation had been received. (Exhibit 8) In an abundance of fairness to the Appellant, further inquiry was sent to the Appeal Representative as well as the Appeal Representative's designee. (Exhibit 8) The Appeal Representative's designee responded that the Appellant had worked to reduce assets, and the Appellant was waiting to provide supporting documentation of the spenddown. (Exhibit 8) Nothing was received from the Appellant, nor the duly authorized Appeal Representative: no request to reopen the Record, no request to extend the Record Open period, and no supporting documentation of a spenddown.

On December 1, 2025, in an abundance of fairness to the Appellant, further inquiry was sent to the Appeal Representative, Appeal Representative's designee, and MassHealth. (Exhibit 9) MassHealth responded that no supporting documentation had been received. (Exhibit 9) The Appeal Representative's designee indicated that bank statements had been received by the Appellant however the statements did not show the Appellant had reduced her assets to the limit required to receive MassHealth benefits. (Exhibit 9) Nothing was received from the Appellant, nor the duly authorized Appeal Representative: no request to reopen the Record, no request to extend the Record Open period, and no supporting documentation of a spenddown.

## Findings of Fact

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

1. The Appellant is a person under the age of [REDACTED] who seeks review of the decision that the Appellant does not qualify for MassHealth long term care benefits due to the Appellant having more countable assets than MassHealth benefits allow. (see 130 CMR 520.003, 130

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<sup>3</sup> This July 1, 2025 Notice was not introduced into the Record at Hearing, this Notice was not mentioned at Hearing, nor was it included within MassHealth's submission.

CMR 520.004 and Exhibit 1)

2. The Appellant's assets, as of July 29, 2025, indicated that the Appellant had approximately \$7,399 in a life insurance policy and approximately \$5,179 in various bank accounts. (Testimony, Exhibit 5)
3. The Appeal Representative requested additional time to provide verifications to MassHealth to show a spenddown of the excess assets. (Testimony) The Appeal Representative indicated that the Appeal Representative would be unavailable due to medical leave and requested another individual from the facility's corporation be included on the emails during the Record Open period, including the Record Open Form email. (Testimony)
4. A Record Open issued. The Appellant had until September 26, 2025 to provide proof of a spenddown, and MassHealth had until October 10, 2025 for review. (Exhibit 6)
5. On October 9, 2025, the Appellant, individually, sent in a facsimile request to extend the Record Open. (Exhibit 7) Without objection, the Request was allowed. The Appellant had until October 31, 2025 to provide proof of a spenddown and MassHealth had until November 7, 2025 for review. (Exhibit 8)
6. On November 4, 2025, after the extended Record Open period had closed for the Appellant, MassHealth responded that no further documentation had been received. (Exhibit 8)
7. In response to inquiry posed in November of 2025, the Appeal Representative's designee responded that the Appellant had worked to reduce assets, and the Appellant was waiting to provide supporting documentation of the spenddown. (Exhibit 8)
8. In response to further inquiry posed in December of 2025, MassHealth responded that no supporting documentation had been received. (Exhibit 9)
9. Nothing, beyond the request to extend the Record Open in October of 2025, has been received from the Appellant, nor the duly authorized Appeal Representative, through December 1, 2025: no request to reopen the Record, no request to extend the Record Open period, and no supporting documentation of a spenddown.

## **Analysis and Conclusions of Law**

Through a long term care conversation application dated April 25, 2025, the Appellant sought MassHealth long term care services. (Exhibit 1) In the instant appeal, the Regulation found at 130 CMR 519.006(A) explains the requirements for long term care residents<sup>4</sup>:

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<sup>4</sup> Pursuant to 130 CMR 519.005(B), for community-based individuals, an applicant must have countable assets for

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 [REDACTED] years of age or older or, for individuals [REDACTED] 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.

Additionally, the Regulation found at 130 CMR 520.003 explains the income limitations:

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

The Appellant has the burden "to demonstrate the invalidity of the administrative determination." Andrews v. Division of Medical Assistance, 68 Mass. App. Ct. 228 (2007). See also Fisch v. Board of Registration in Med., 437 Mass. 128, 131 (2002); Faith Assembly of God of S. Dennis & Hyannis, Inc. v. State Bldg. Code Commn., 11 Mass. App. Ct. 333, 334 (1981); Haverhill Mun. Hosp. v. Commissioner of the Div. of Med. Assistance, 45 Mass. App. Ct. 386, 390 (1998). On this record, the Appellant has not demonstrated the invalidity of MassHealth's determination that the Appellant does not qualify for MassHealth benefits.

There is little factual dispute in this appeal. The Appellant's asset calculation, as of July 29, 2025, indicated that the Appellant had approximately \$7,399 in a life insurance policy and approximately \$5,179 in various bank accounts. (Testimony, Exhibit 5) This was not disputed. Rather, the Appellant, through the Appeal Representative, requested additional time to provide

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an individual that are \$2,000 or less, and those of a married couple living together must be \$3,000 or less.

proof of a spenddown, which was allowed without objection. The Appellant, individually, requested a further extension of the Record Open period, which was allowed without objection. Over a month after the Record had closed, no documentation had been received by MassHealth showing that the Appellant had spent down her assets. No further request to extend the Record Open period, nor any request to reopen the Record has been made: neither by the Appellant, nor by the duly authorized Appeal Representative.<sup>5</sup> Despite additional time, and multiple opportunities to show that the Appellant has reduced her assets in accordance with the limits described within the MassHealth Regulations, the Appellant has failed to show any documentation of any reduction of the assets as they existed at the time of Hearing. Accordingly, the Appellant has not met the burden, by a preponderance of evidence, to show that MassHealth's determinations that the Appellant does not qualify for MassHealth benefits due to excess assets are invalid. Therefore, this appeal, regarding Notice #68530711, dated June 4, 2025 (Exhibit 1), Notice #68597442 dated June 25, 2025 (Exhibit 5, pg. 10), and Notice #68627731, dated July 1, 2025 (Exhibit 7, pg. 3), 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

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<sup>5</sup> Although not an authorized representative, the Appeal Representative's designee, also, did not request any extension of the Record Open period, nor requested the Record to be reopened. Although there is no authority in this record for the Appeal Representative's designee to request such an extension, no request was made.

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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Patrick Grogan  
Hearing Officer  
Board of Hearings

cc: [REDACTED]

MassHealth Representative: Justine Ferreira, Taunton MassHealth Enrollment Center, 21 Spring St., Ste. 4, Taunton, MA 02780, 508-828-4616