

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2511142
Decision Date:	10/15/2025	Hearing Date:	09/05/2025
Hearing Officer:	Christopher Jones		

Appearance for Appellant:
[Redacted] – Conservator

Appearance for MassHealth:
Kristine Denucce-Simms – Springfield Ongoing



*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; Patient Paid Amount
Decision Date:	10/15/2025	Hearing Date:	09/05/2025
MassHealth's Rep.:	Kristine Denucce-Simms	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 22, 2025, MassHealth changed the appellant's Patient Paid Amount from \$1,512.20 to \$2,817.20, effective August 1, 2025. (Exhibit 1; 130 CMR 520.025; 520.026.) The appellant filed this appeal in a timely manner on July 28, 2025. (Exhibit 2; 130 CMR 610.015(B).) Limitations of assistance are valid grounds for appeal. (130 CMR 610.032.)

Action Taken by MassHealth

MassHealth increased the appellant's Patient Paid Amount after the home-maintenance allowance expired.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 520.026, in calculating the appellant's Patient Paid Amount.

Summary of Evidence

The appellant was approved for MassHealth long-term care benefits, effective January 2025. After 6 months, MassHealth discontinued the appellant's home-maintenance allowance. MassHealth's

notice recalculated the appellant's Patient-Paid Amount (PPA) based upon \$2,459 in Social Security and \$431 from a private pension. MassHealth deducted the appellant's Personal Needs Allowance of \$72.80, and the resulting PPA is \$2,817.20.

The appellant's gross income includes monthly Social Security benefits of \$2,718 and a pension of \$431. MassHealth's representative testified that the Social Security amount listed on the PPA notice is not the gross amount, because it already deducts the appellant's Medicare premium. The appellant pays a Medicare premium of \$259 and \$90.51 is deducted from her pension for state and federal taxes. The appellant's conservator appeared at the hearing and testified that MassHealth should allow the taxes to be deducted from countable income and adjust the PPA accordingly. MassHealth's representative explained that medical expenses are an allowable deduction under 130 CMR 520.026, but tax withholdings are not. MassHealth's representative noted that many applicants are able to stop tax withholdings once they have entered long-term care.

The appellant's conservator acknowledged that she was aware of a form by which she could request that tax withholding be stopped on the pension. She testified that she was still waiting for a copy of the form from the pension company, but that they are very slow and difficult to work with. The appellant's conservator asked that MassHealth allow the deduction until she is able to get the withholding stopped. The appellant's conservator was concerned that she was spending down the appellant's asset allowance in order to cover the cost of tax withholding. MassHealth's representative testified that there is no mechanism to allow that in the regulations.

Findings of Fact

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

- 1) The appellant is residing in a long-term care facility. She was approved for long-term care benefits starting in January 2025. (Testimony by MassHealth's representative.)
- 2) MassHealth allowed a deduction for maintenance of the former home for 6 months and then increased the appellant's PPA. (Testimony by MassHealth's representative; Exhibit 1.)
- 3) The appellant receives gross monthly income in the amount of \$2,718 from Social Security and \$431 from a private pension. (Testimony by MassHealth's representative.)
- 4) The appellant pays a Medicare premium of \$259 and \$90.51 in state and federal taxes. (Testimony by the appellant's representative.)

Analysis and Conclusions of Law

MassHealth counts all of an individual's income, "whether or not actually received when failure to receive such income results from the action or inaction of the applicant, member, spouse, or person acting on his or her behalf." (130 CMR 520.009(A)(4).) For institutionalized members,

specific income deductions are set out at 130 CMR 520.026, and the amount left over is the Patient Paid Amount (PPA). These deductions must be made “in the following order: a personal-needs allowance; a spousal-maintenance-needs allowance; a family-maintenance-needs allowance for qualified family members; a home-maintenance allowance; and health-care coverage and incurred medical and remedial-care expenses.” (130 CMR 520.026.)

Because the appellant does not have a community spouse, the spousal-maintenance and family-maintenance deductions are inapplicable. MassHealth allows the personal-needs allowance and a deduction for the appellant’s Medicare premium. The change in the appellant’s PPA was the result of the expiration of her home-maintenance allowance following six months of MassHealth “long term care” coverage.¹

(D) Deductions for Maintenance of a Former Home.

(1) The MassHealth agency allows a deduction for maintenance of a home when a competent medical authority certifies in writing that a single individual, with no eligible dependents in the home, is likely to return home within six months after the month of admission. **This income deduction terminates at the end of the sixth month after the month of admission regardless of the prognosis to return home at that time.**

(2) The amount deducted is the 100 percent federal-poverty-level income standard for one person.

(130 CMR 520.026(D) (emphasis added).)

The appellant does not dispute that MassHealth correctly terminated the home-maintenance allowance. Rather, the appellant’s conservator wants MassHealth to bear the cost of the appellant’s income taxes until the paperwork to stop the tax withholding can be processed. There is no authority in the regulations to allow for a deduction from the PPA for tax withholdings. Therefore, this appeal is DENIED.

Order for MassHealth

None.

¹ MassHealth’s regulations sometimes refer to people residing in a nursing facility as “institutionalized”; they are also interchangeably referred to as “long term care residents.” (See e.g. 130 CMR 519.006; 130 CMR 520.026.) The rules governing “long term care” benefits apply to all residents of nursing facilities regardless of whether they are screened as short term or long term.

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

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MassHealth Representative: Dori Mathieu, Springfield MassHealth Enrollment Center, 88 Industry Avenue, Springfield, MA 01104