

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2511309
Decision Date:	10/28/2025	Hearing Date:	09/02/2025
Hearing Officer:	Thomas Doyle	Record Open to:	N/A

Appearance for Appellant:



Appearance for MassHealth:

Maria Piedade, Taunton MEC



*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:	Eligibility; Over 65; Long Term Care; Disqualifying Transfer
Decision Date:	10/28/2025	Hearing Date:	09/02/2025
MassHealth's Rep.:	Maria Piedade	Appellant's Rep.:	[REDACTED]
Hearing Location:	Remote (phone)	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 notice dated July 16, 2025, MassHealth approved appellant's long term care application with coverage beginning March 13, 2025, and calculated a period of ineligibility from February 18, 2025 to March 12, 2025. (Ex. 1; Ex. 5, p. 12).¹ Appellant filed this appeal in a timely manner on July 31, 2025. (130 CMR 610.015(B); Ex. 2). Imposition of a coverage date is a MassHealth action and is valid grounds for appeal. (130 CMR 610.032(3)).

Action Taken by MassHealth

MassHealth approved appellant's long term care application with coverage beginning March 13, 2025 due to a disqualifying transfer. (Ex. 5, p. 12).

Issue

¹ There is a second notice also dated July 16, 2025, adjusting the PPA amount owed by appellant. (Ex. 1A). The appeal representative stated they were appealing the start date due to a finding of a disqualifying transfer.

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 520.019, in determining that the appellant had a disqualifying transfer of \$10,000 resulting in an ineligibility period from February 18, 2025, to March 12, 2025.

Summary of Evidence

The appeal representative and the MassHealth worker (worker) appeared by phone and were sworn. The evidence shows the following: Appellant is a female in her [REDACTED] who was admitted to the nursing facility on [REDACTED]. (Ex. 5, p. 10). On February 20, 2025, MassHealth received appellant's long term care application. (Testimony; Ex. 1, p. 1; Ex. 5, p. 11). The worker sent out a request for verifications on April 8, 2025, with the verifications due to MassHealth by May 8, 2025. On May 13, 2025, the application for long term care was denied for missing verifications. On May 14, 2025, MassHealth considered appellant's reapplication and a request for verifications was sent out by MassHealth with a due date of June 13, 2025. On June 24, 2025, the long-term application was denied for missing verifications. The worker stated on July 9, 2025, she received a notice for a hearing on the missing verifications, scheduled for July 29, 2025. She stated that appeal was then withdrawn. The worker stated on July 16, 2025, she approved the application effective March 13, 2025. The worker testified that MassHealth imposed a transfer penalty because appellant's bank statements showed that in [REDACTED] when appellant was [REDACTED] years old, her daughter used \$10,000 of the appellant's funds to purchase a horse. (Testimony; Ex. 5, pp. 8, 15-16). The worker stated that the nursing facility was seeking a payment date of February 18, 2025. The worker explained that the \$10,000 disqualifying transfer was determined by dividing the \$10,000 by the public daily rate of \$441 a day which resulted in 23 days of ineligibility. (Ex. 5, p. 10). When the 23 days of ineligibility are subtracted from the requested start date, the result is a start date of March 13, 2025. (Testimony; Ex. 5, p. 12).

The appeal representative stated appellant drafted a statement indicating that appellant's family had a horse business. Appellant writes that "all our horse purchases, leases and care costs have always been and continue to be absorbed as a family. I always leave the ownership of record to [REDACTED] as she resided in [REDACTED] and makes it easier to deal with paperwork. At this time, we are currently working on creating an LLC for future purchases." (Testimony; Ex. 7). The appeal representative also referenced a letter written by appellant's power of attorney. The power of attorney states the family has been involved in leasing or owning horses for over 30 years and that "[t]he \$10,000 was the initial ownership portion of [appellant] to a horse purchased (Registered Name: [C], this horse is now deceased." (Ex. 7).² The appeal representative stated she asked MassHealth if there was anything appellant or the power of attorney could provide to cure the disqualifying transfer. She stated she was told it was up to the Board of Hearings to issue a written decision. The appeal representative specifically asked for an opportunity to cure the

² Neither one of these written statements is signed under the pains and penalties of perjury.

transfer. (Testimony).

I asked the worker if appellant was given a chance to cure the disqualifying transfer since their first notice of it came in the approval notice under appeal. The worker stated she did not have enough information that the family absorbed the cost of the horse because the records show the appellant's funds were used to buy the horse. The worker stated she did not see anything to support the argument that appellant's family was helping with any expenses related to the horse. The worker summarized stating the transfer was within the last 5 years; the horse is owned by someone else in [REDACTED] who tends to the horse; and she did not see how the horse benefitted appellant. (Testimony).

Findings of Fact

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

1. Appellant is a female in her [REDACTED] who was admitted to the nursing facility on [REDACTED] [REDACTED] (Ex. 5, p. 10). On February 20, 2025, MassHealth received appellant's long term care application. (Testimony; Ex. 1, p. 1; Ex. 5, p. 11).
2. The nursing facility was seeking a payment start date of February 18, 2025. (Testimony; Ex. 5, p. 10).
3. MassHealth approved appellant's application on July 16, 2025 with a coverage date beginning on March 13, 2025. (Testimony; Ex. 5).
4. Within the lookback period, in [REDACTED], when appellant was [REDACTED], she purchased a horse for \$10,000. (Testimony; Ex. 5, pp. 15-16).
5. MassHealth determined a period of ineligibility from February 18, 2025 to March 12, 2025 due to a transfer of resources. (Testimony; Ex. 5).
6. MassHealth deemed the purchase to be a disqualifying transfer by appellant, and imposed a penalty period of 23 days, calculated by dividing the sum of the transfer, \$10,000, by the average daily cost of nursing-facility services in the Commonwealth of Massachusetts at the time of application, or \$441 per day. (Testimony; Ex. 5, p. 1; *Program financial guidelines for certain MassHealth applicants and members | Mass.gov*).

Analysis and Conclusions of Law

An applicant for MassHealth benefits has the burden to prove his or her eligibility, including that a transfer of resources was legitimate, not gratuitous, or for less than fair market value within the “look-back” period. (130 CMR 515.001, 520.007; 520.019; and MGL Ch. 118E, § 20). If an applicant or member has transferred resources for less than fair-market value during the look-back period, MassHealth long-term-care benefits may not be paid until a period of ineligibility has been imposed and expires. (See 42 USC §1396p(c)(1)(A); MGL Ch. 118E, § 28.) The look-back period is 60 months, or 5 years. (130 CMR 520.019(B)).

The federal law is reflected in MassHealth regulations 130 CMR 520.018 and 520.019, which provide that a disqualifying transfer exists where an applicant transfers an interest during the appropriate look-back period for less than fair-market value. “A disqualifying transfer may include any action taken that would result in making a formerly available asset no longer available,” unless the transfer is “listed as permissible in 130 CMR 520.019(D), identified in 130 CMR 520.019(F), or exempted in 130 CMR 520.019([K]).” (130 CMR 520.019(C).) Permissible transfers are made to benefit a community spouse or a disabled person. Exempted transfers are cured in some manner after the fact.

The applicant’s intent can affect whether a transfer of resources results in a period of ineligibility:

(F) Determination of Intent. In addition to the permissible transfers described in 130 CMR 520.019(D), the MassHealth agency 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 the MassHealth agency’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.

(130 CMR 520.019(F)). Federal guidance requires an applicant to make a heightened evidentiary showing on this issue: “Verbal assurances that the individual was not considering Medicaid when the asset was disposed of are not sufficient. Rather, convincing evidence must be presented as to the specific purpose for which the asset was transferred.” Gauthier v. Dir., Office of Medicaid, 80 Mass. App. Ct. 777, 785 (2011) (citing State Medicaid Manual, Health Care Financing Administration Transmittal No. 64, § 3258.10(C)(2)).) Essentially, there is a presumption that transfers made within the look-back period were intended to preserve assets from being used to pay for an individual’s care.

In this case, MassHealth determined that appellant transferred resources for less than fair-market value when she purchased a horse, during the regulatory look-back period, at the age of 90. There

is no evidence that appellant received fair-market value for the purchase of the horse, which was kept out of state and registered in someone else's name and seemingly provided no direct benefit to her. Appellant contends that her family had a longstanding business owning and leasing horses and that this transaction was related to the operation of that business. However, she has not provided any substantive evidence to support that contention, including any record of her ownership interest or information about her role in its operation. Accordingly, the record supports MassHealth's determination that she did not receive fair market value for the \$10,000 expenditure.³

For the above reasons, this appeal is denied.

Because appellant disputed MassHealth's determination that this transaction resulted in a disqualifying transfer, the appellant shall be allowed 60 days to cure the transfer. (See 130 CMR 520.019(K)).

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.

Thomas Doyle
Hearing Officer
Board of Hearings

cc: Appellant Representative: Amanda Thomas, Silver Lining Solutions, 461 Boston St, Unit B-1, Topsfield, MA 01983, 978-887-1100

Appellant Representative: Nancy Reid, 89 Vincent Rd, West Roxbury, MA 02132, 999-999-9999

³ There is similarly nothing to demonstrate that the transfer falls under any of the "permissible transfer" exceptions set forth at 130 CMR 520.019(D) or under the cure regulations at 130 CMR 520.019(K). Nor is there any information to establish that the transfer could be excused by the intent provisions at 130 CMR 520.019(F). In the absence of any evidence to fit the circumstances of this case into one of these categories, there is no regulatory basis to provide relief from the transfer penalty.

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