

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Approved	Appeal Number:	2511668
Decision Date:	10/28/2025	Hearing Date:	September 8, 2025
Hearing Officer:	Stanley M. Kallianidis		

Appellant Representative:



MassHealth Representative:

Roberta Noland, Tewksbury



*Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
Board of Hearings
100 Hancock Street, 6th Floor
Quincy, MA 02171*

APPEAL DECISION

Appeal Decision:	Approved	Issue:	Excess Assets
Decision Date:	10/28/2025	Hearing Date:	September 8, 2025
MassHealth Rep.:	Roberta Noland	Appellant Rep.:	[REDACTED]
Hearing Location:	Telephonic		

Authority

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

Jurisdiction

Notice dated July 9, 2025 was sent to the appellant stating that MassHealth had denied her application for MassHealth benefits due to excess assets (Exhibit 1). The appellant filed this appeal on August 8, 2025 and, therefore, it is timely (see Exhibit 2 and 130 CMR 610.015). A denial of MassHealth benefits is grounds for appeal (130 CMR 610.032).

On August 15, 2025 a hearing notice was sent out to the parties (Exhibit 3).

Action Taken by MassHealth

MassHealth denied the appellant's application for MassHealth benefits due to excess assets.

Issue

Pursuant to 130 CMR 520.006, are the appellant's assets in question inaccessible to her?

Summary of Evidence

The MassHealth representative testified that the appellant's March 31, 2025 application was denied due to excess assets. The countable assets included approximately \$16,316.00 in a bank account (Exhibit 1).

The appellant's guardian testified that she has no access to the appellant's bank account. She filed a petition for conservatorship on [REDACTED] 2025 and is awaiting her appointment from the Probate and Family Court so that she may be given the authority to spend down the assets (Exhibit 4).

The MassHealth representative indicated that she does not consider the assets to be inaccessible (Exhibit 5).

Findings of Fact

Based on a preponderance of the evidence, I find:

1. The appellant applied for MassHealth on March 31, 2025 (Exhibit 1).
2. The application was denied due to excess assets (Exhibit 1).
3. The countable assets included approximately \$16,316.00 in a bank account (Exhibit 1).
4. The appellant's guardian filed a petition for conservatorship on [REDACTED], 2025 and is awaiting appointment from the Probate and Family Court so that she may be given the authority to spend down the assets (Exhibit 4).

Analysis and Conclusions of Law

Pursuant to 130 CMR 520.003(A): The total value of countable assets owned by or available to an individual applying for or receiving MassHealth Standard, Family Assistance or Limited may not exceed \$2,000.00.

520.006: Inaccessible Assets

(A) Definition. An inaccessible asset is an asset to which the applicant or member has no legal access. The MassHealth agency does not count an inaccessible asset when determining eligibility for MassHealth for the period that it is inaccessible or is deemed to be inaccessible under 130 CMR 520.006.

(B) Examples of Inaccessible Assets. Inaccessible assets include, but are not limited to (1) property, the ownership of which is the subject of legal proceedings (for example, probate and divorce suits); and (2) the cash-surrender value of life-insurance policies when the policy has been assigned to the issuing company for adjustment.

(C) Date of Accessibility. The MassHealth agency considers accessible to the applicant or member all assets to which the applicant or member is legally entitled (1) from the date of application or acquisition, whichever is later, if the applicant or member does not meet the conditions of 130 CMR 520.006(C)(2)(a) or (b); or

(2) from the period beginning six months after the date of application or acquisition, whichever is later, if (a) the applicant or member cannot competently represent his or her interests, has no guardian or conservator capable of representing his or her interests, and the authorized representative (which may include a provider) of such applicant or member is making a good-faith effort to secure the appointment of a competent guardian or conservator; or (b) the sole trustee of a Medicaid Qualifying Trust, under 130 CMR 520.022(B), is one whose whereabouts are unknown or who is incapable of competently fulfilling his or her fiduciary duties, and the applicant or member, directly or through an authorized representative (which may include a provider), is making a good-faith effort to contact the missing trustee or to secure the appointment of a competent trustee.

In the instant case, I have found that the appellant applied for MassHealth on March 31, 2025 and that her application was denied due to excess assets of \$14,316.00 given that she has \$16,316.00 in a bank account. I have also found that the appellant's guardian filed a petition for conservatorship on [REDACTED] 2025 and is awaiting appointment from the Probate and Family Court so that she may be given the authority to spend down the assets.

In accordance with the regulations cited above, where there is a conservatorship appointment pending, the appellant's assets are currently inaccessible to her and cannot be used in the determination of her eligibility for at least six months.

The appeal is therefore approved.

Order for MassHealth

Approve appellant's application without regard to her bank account if otherwise eligible.

Implementation of this Decision

If this decision is not implemented within 30 days after the date of this notice, you should contact your local office. If you experience problems with the implementation of this decision, you should report this in writing to the Director of the Board of Hearings at the address on the first page of this decision.

Stanley M. Kallianidis
Hearing Officer
Board of Hearings

cc:

Tewksbury MEC

