

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2511944
<b>Decision Date:</b>	10/24/2025	<b>Hearing Date:</b>	09/17/2025
<b>Hearing Officer:</b>	Susan Burgess-Cox	<b>Record Open to:</b>	10/10/2025

**Appearance for Appellant:**



**Appearance for MassHealth:**

Linah Kunobwa



*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>	Long-Term Care: Excess Assets
<b>Decision Date:</b>	10/24/2025	<b>Hearing Date:</b>	09/17/2025
<b>MassHealth's Rep.:</b>	Linah Kunobwa	<b>Appellant's Rep.:</b>	[REDACTED]
<b>Hearing Location:</b>	All Parties Appeared by Telephone	<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 a notice dated July 17, 2025, MassHealth notified the appellant that she has more countable assets than MassHealth allows. (130 CMR 520.003; Exhibit 1). MassHealth notified the appellant that if she reduced her assets to \$2,000 within a 30-day timeframe, she may qualify for benefits based on the date of her application. (130 CMR 520.003; Exhibit 1). The appellant's conservator filed a timely appeal on August 13, 2025. (130 CMR 610.015; Exhibit 2; Exhibit 3). The Board of Hearings scheduled a hearing for September 17, 2025. (Exhibit 4).

Denial of assistance is valid grounds for appeal. (130 CMR 610.032).

At the hearing and during a record open period, the Board of Hearings granted requests from the appellant's representative to keep the record open for the submission of additional evidence.

### Action Taken by MassHealth

MassHealth denied the appellant's application for long-term care services because the appellant has more countable assets than MassHealth benefits allow. (130 CMR 520.003; 130 CMR 520.004).

## Issue

Whether MassHealth was correct in determining that the appellant has more countable assets than MassHealth benefits allow.

## Summary of Evidence

The MassHealth representative presented documents that are incorporated into the hearing record as Exhibit 5. The appellant's representative presented documents that are incorporated into the hearing record as Exhibit 6. In October 2024, MassHealth received an application for long-term care seeking coverage as of July 23, 2024. (Testimony; Exhibit 5). The appellant had been in the facility for more than three years. (Testimony; Exhibit 5). On July 17, 2025, MassHealth issued a notice denying coverage as the appellant had excess assets. (Testimony; Exhibit 1; Exhibit 5). At the time of the notice, MassHealth determined that the appellant had assets from a personal needs account totaling \$859.29 as well as bank account balances totaling \$37,074.75. This gave the appellant a total asset amount of \$37,933.95. (Testimony; Exhibit 1; Exhibit 5). Allowing the appellant to retain \$2,000 left an excess asset amount of \$35,933.95. (Testimony; Exhibit 1; Exhibit 5). The MassHealth representative testified that the appellant showed a \$0 balance for the initial bank account that had \$37,074.75; additional documents presented by the appellant's representative show that those funds were transferred to an account with the name of the conservator. As of the date of the hearing, all of the funds from that account were not spent. The MassHealth representative testified that as of the date of the hearing, the balance on the appellant's personal needs account increased to \$2,268.32.

The appellant's representative testified that they were still in the process of spending down the appellant's assets as of the date of the hearing. As of August 31, 2025, the account had a balance of \$20,790.74. (Testimony; Exhibit 6). The appellant's representative acknowledged that as of the date of the hearing they had more than \$20,000 left to spend. The appellant's representative testified that they are in the process of making burial arrangements that may not be considered countable. The record was held open to provide the appellant's representative with the opportunity to present additional evidence. (Exhibit 7). The record open period was extended on more than one occasion. The record closed on October 10, 2025.

Documents sent by the appellant's representative are incorporated into the hearing record as Exhibit 8. MassHealth's response to these submissions are incorporated into the hearing record as Exhibit 9. In reviewing the documents presented by the appellant's representative, MassHealth's final response was that the funds being placed into the funeral contract, of approximately \$17,000 were still countable as the contract states that the remaining proceeds go to the appellant's estate. As of a document from the funeral home dated October 1, 2025, the appellant's estate remained the primary beneficiary of the funeral contract.

## Findings of Fact

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

1. The appellant applied for MassHealth long-term care.
2. MassHealth denied the application due to the appellant having excess assets.
3. MassHealth considered the following as countable assets at the time of the eligibility decision:
  - a. A bank accounts with a balance totaling \$37,074.75
  - b. A personal needs account with a balance of \$859.20
4. As of the date of the hearing, the balance in the appellant's there was an increase in the balance of the appellant's personal needs account.
5. As of the date of the hearing, the appellant had a bank account balance of approximately \$20,000 and was in the process of obtaining a pre-paid burial contract.
6. At of the close of the record open period, the appellant had not spent the remaining \$20,000 in a manner that would allow MassHealth to consider the assets as non-countable.

## Analysis and Conclusions of Law

MassHealth administers and is responsible for the delivery of health-care services to MassHealth members. (130 CMR 515.002). The regulations governing MassHealth at 130 CMR 515.000 through 522.000 (referred to as Volume II) provide the requirements for noninstitutionalized persons aged 65 or older, institutionalized persons of any age, persons who would be institutionalized without community-based services, as defined by Title XIX of the Social Security Act and authorized by M.G.L. c. 118E, and certain Medicare beneficiaries. (130 CMR 515.002). The appellant in this case is an institutionalized person. Therefore, the regulations at 130 CMR 515.000 through 522.000 apply to this case. (130 CMR 515.002).

Countable assets are all assets that must be included in the determination of eligibility. (130 CMR 520.007). 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 \$2,000 for an individual. (130 CMR 520.003(A)(1)). At the time of the eligibility decision, the appellant's assets exceeded this limit. During the appeal, the appellant failed to demonstrate

that the asset amount presented by MassHealth was not correct or that the assets were spent down in a manner that MassHealth could consider the assets as noncountable.

While the appellant attempted to open a pre-paid funeral contract for MassHealth to consider some funds as noncountable, the contract presented did not meet the regulatory requirements for the agency to deem it noncountable.

Pursuant to 130 CMR 520.008(F)(1), the following funeral or burial arrangements for the applicant, member, or spouse are considered noncountable assets:

- (a) any burial space, including any burial space for any immediate family member;
- (b) one of the following:
  - 1. a separately identifiable amount not to exceed \$1,500 expressly reserved for funeral and burial expenses; or
  - 2. life-insurance policies designated exclusively for funeral and burial expenses with a total face value not to exceed \$1,500;
- (c) the cash-surrender value of burial insurance; and
- (d) prepaid irrevocable burial contracts or irrevocable trust accounts designated for funeral and burial expense.

Appreciated value or interest earned or accrued and left to accumulate on any contracts, accounts, or life insurance is also noncountable. (130 CMR 520.008(F)(2)). If the applicant, member, or spouse uses any of these assets, including the interest accrued, for other than funeral or burial arrangements of the applicant, member, or spouse, MassHealth considers the asset available and countable under the provisions of 130 CMR 520.007, 520.018, and 520.019. As the documents presented show that any remaining proceeds would go to the appellant's estate, that makes them accessible and countable as they could be utilized for a purpose other than funeral or burial arrangements. (130 CMR 520.008(F)(2)).

The decision made by MassHealth was correct.

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.

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Susan Burgess-Cox  
Hearing Officer  
Board of Hearings

cc:

[Redacted]

[Redacted]

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