

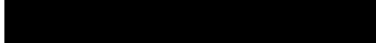
**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2512271
Decision Date:	11/24/2025	Hearing Date:	09/16/2025
Hearing Officer:	Christine Therrien	Record Open to:	10/21/2025

Appearance for Appellant:



Appearance for MassHealth:

Eileen Smith, Charlestown



*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:	LTC – disqualifying transfer
Decision Date:	11/24/2025	Hearing Date:	09/16/2025
MassHealth’s Rep.:	Eileen Smith	Appellant’s Rep.:	██████████
Hearing Location:	Charlestown MassHealth Enrollment Center - Telephonic		

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 7/2/25, MassHealth denied the appellant's application for MassHealth Standard benefits for long-term care residents because MassHealth determined that the appellant gave away or sold assets for less than fair market value to become eligible for MassHealth. MassHealth calculated an ineligibility period from 1/28/25 through 11/30/26, due to a transfer of assets. (see 130 CMR 520.019 and Exhibit 1). The appellant filed this appeal in a timely manner on 8/21/25, disputing the disqualifying transfer (see 130 CMR 610.015(B) and Exhibit 2). Assessment of a period of ineligibility is valid grounds for appeal (see 130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied appellant’s MassHealth LTC application and determined there was a disqualifying transfer of resources in the amount of \$295,985.00, resulting in a period of ineligibility from 1/28/25 through 11/30/26.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 520.019, in determining there was a disqualifying transfer of resources for \$295,985.00, resulting in a period of ineligibility of 672 days.

Summary of Evidence

The MassHealth representative testified that on 2/27/25, MassHealth received an application for long-term care (LTC) benefits on behalf of the appellant with a requested benefit start date of 1/28/25.¹ (Exhibit 5). The appellant is over the age of [REDACTED] unmarried, and was admitted to the nursing facility on [REDACTED]. The MassHealth representative testified that the appellant made a disqualifying transfer of real estate on 12/4/23, which is within the 5-year look-back period preceding the application date. (Exhibit 5). The MassHealth representative testified that, according to a quitclaim deed, the appellant's home was transferred to another party for \$60,256.00, but the appellant did not actually receive any money. (Exhibit 5). The property had an assessed value at the time of \$346,500.00, and there was a tax lien on the property for \$50,515.00. (Exhibit 4). The MassHealth representative testified that the difference between the assessed value, minus the tax lien, and the transfer amount of zero is \$295,985.00. The MassHealth representative testified that MassHealth views these as resource transfers for less than fair market value because the appellant did not receive any money for the property, warranting the calculation of a period of ineligibility. The MassHealth representative testified that MassHealth calculates the period of ineligibility by dividing the disqualifying transfer amount by the average daily cost to a person paying privately for nursing facility services in the Commonwealth; \$295,985.00 (transfer amount) divided by \$441.00 (average daily nursing home rate) = 671.17 = 672 Days. The MassHealth representative testified that the resulting coverage start date is 11/30/26.

The appellant's representative testified that the sale price of \$60,256.00 was reasonable given the condition of the property. The appellant's representative testified that she would get an appraiser to provide a written estimate of the property value.

The record was left open until 11/4/25 to allow the appellant's representative to provide additional information regarding the sale of the property. The record was left open until 11/21/25 to give MassHealth additional time to review all the submitted information and respond.

During the record open period, the appellant's representative was unable to secure an

¹ The appellant had submitted a prior application to MassHealth on 5/24/24 seeking MassHealth LTC benefits; however, it was incomplete and was resubmitted on 7/11/24. The appellant was seeking a benefit start date of 5/1/24. MassHealth sent a request for information to the appellant on 7/17/24, with a due date for response of 10/15/24. The appellant was unable to provide all the items in the request for information, and a denial for missing verifications was issued on 10/21/24. The denial was appealed, and the appeal was denied on 2/4/25, because of missing verifications.

appraised value of the home when it was transferred in 2023. The appellant's representative asserted that the appellant owed money to the property purchaser, but provided no explanation or supporting documentation for the same. (Exhibit 7).

Findings of Fact

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

1. On 2/27/25, MassHealth received an application for LTC benefits on behalf of the appellant with a requested benefit start date of 1/28/25. (Exhibit 5).
2. The appellant is over the age of [REDACTED] unmarried, and was admitted to the nursing facility on [REDACTED]
3. On 12/4/23, the appellant made a disqualifying transfer of real estate, which is within the 5-year look-back period preceding the date of application (Exhibit 5).
4. According to a quitclaim deed, the appellant's home was transferred to another party for \$60,256, but the appellant did not receive any money. (Exhibit 5).
5. The property had an assessed value at the time of \$346,500.00, and there was an outstanding tax lien on the property for \$50,515.00 (Exhibit 4).
6. The difference between the assessed value, minus the tax bill, and the transfer amount of zero is \$295,985.00.
7. MassHealth views these as resource transfers for less than fair market value because the appellant did not receive any money for the property, warranting the calculation of a period of ineligibility.
8. MassHealth calculates the period of ineligibility by dividing the disqualifying transfer amount by the average daily cost to a person paying privately for nursing facility services in the Commonwealth; $\$295,985$ (transfer amount) divided by $\$441.00$ (average daily nursing home rate) = $671.17 = 672$ Days.
9. The resulting coverage start date is 11/30/26.
10. The record was left open until 11/4/25 to allow the appellant's representative to provide additional information regarding the sale of the property. The record was left open until 11/21/25 to give MassHealth additional time to review all the submitted information and respond.

11. During the record open period, the appellant's representative was unable to obtain an appraised value of the home at the time it was transferred in 2023. (Exhibit 7).

Analysis and Conclusions of Law

To qualify for MassHealth LTC coverage, the assets of the institutionalized applicant cannot exceed \$2,000.00 (130 CMR 520.016(A)). If resources above the program limit are available to the applicant, then 130 CMR 520.018(B) and 130 CMR 520.019 govern whether those assets are disqualifying transfers.

130 CMR 520.018(B) states:

The MassHealth agency will deny payment for nursing facility services to an otherwise eligible nursing-facility resident ... who transfers or whose spouse transfers countable resources for less than fair-market value during or after the period of time referred to as the look-back period.

The relevant parts of 130 CMR 520.019(B) and (C) ("Transfer of Resources Occurring on or after August 11, 1993") state:

(B) Look-Back Period. Transfers of resources are subject to a look-back period, beginning on the first date the individual is both a nursing-facility resident and has applied for or is receiving MassHealth Standard. This period generally extends back in time for 36 months. For transfers of resources occurring on or after February 8, 2006, the period extends back in time for 60 months...

(C) Disqualifying Transfer of Resources. The MassHealth agency considers any transfer during the appropriate look-back period by the nursing-facility resident or spouse of a resource, or interest in a resource, owned by or available to the nursing-facility resident or the spouse (including the home or former home of the nursing-facility resident or the spouse) for less than fair-market value a disqualifying transfer unless listed as permissible in 130 CMR 520.019(D), identified in 130 CMR 520.019(F), or exempted in 130 CMR 520.019(J). The MassHealth agency may consider as a disqualifying transfer any action taken to avoid receiving a resource to which the nursing-facility resident or spouse is or would be entitled if such action had not been taken...

130 CMR 520.019(D)(1) through (5) do not apply as the transfer was neither for the benefit of the appellant's spouse, nor a permanently disabled child, nor placed in a trust for the benefit of a permanently disabled appellant in a nursing facility, nor a permanently disabled person under the age of 65. Further, 130 CMR 520.019(D)(6) does not apply as this transfer does not include a home, and subsection (7) does not apply as this transfer was not used to fund a burial account for

the appellant or her spouse.² This transfer was also not exempt under 130 CMR 520.019(J) since it was not the proceeds from a home equity loan or reverse mortgage. Therefore, the only regulation that applies is 130 CMR 520.019(F), which states the following:

(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.

² 130 CMR 520.019(D) Permissible Transfers. The MassHealth agency considers the following transfers permissible. Transfers of resources made for the sole benefit of a particular person must be in accordance with federal law. (1) The resources were transferred to the spouse of the nursing-facility resident or to another for the sole benefit of the spouse. A nursing facility resident who has been determined eligible for MassHealth agency payment of nursing facility services and who has received an asset assessment from the MassHealth agency must make any necessary transfers within 90 days after the date of the notice of approval for MassHealth in accordance with 130 CMR 520.016(B)(3). (2) The resources were transferred from the spouse of the nursing facility resident to another for the sole benefit of the spouse. (3) The resources were transferred to the nursing facility resident's permanently and totally disabled or blind child or to a trust, a pooled trust, or a special-needs trust created for the sole benefit of such child. (4) The resources were transferred to a trust, a special-needs trust, or a pooled trust created for the sole benefit of a permanently and totally disabled person who was younger than ■ years old at the time the trust was created or funded. (5) Effective until sixty days after the end of the maintenance of effort and continuous eligibility provisions of Section 6008 of the Families First Coronavirus Response Act (Public Law No. 116-127), the resources were transferred to a pooled trust created for the sole benefit of the permanently and totally disabled nursing-facility resident. Effective sixty days after the end of the maintenance of effort and continuous eligibility provisions of Section 6008 of the Families First Coronavirus Response Act (Public Law No. 116-127), this transfer is no longer permissible. (6) The nursing facility resident transferred the home he or she used as the principal residence at the time of transfer and the title to the home to one of the following persons: (a) the spouse; (b) the nursing facility resident's child who is younger than ■ years old, or who is blind or permanently and totally disabled; (c) the nursing facility resident's sibling who has a legal interest in the nursing facility resident's home and was living in the nursing facility resident's home for at least one year immediately before the date of the nursing-facility resident's admission to the nursing facility; or (d) the nursing facility resident's child (other than the child described in 130 CMR 520.019(D)(6)(b)) who was living in the nursing facility resident's home for at least two years immediately before the date of the nursing facility resident's admission to the institution, and who, as determined by the MassHealth agency, provided care to the nursing facility resident that permitted him or her to live at home rather than in a nursing facility. (7) The resources were transferred to a separately identifiable burial account, burial arrangement, or a similar device for the nursing facility resident or the spouse in accordance with 130 CMR 520.008(F).

The appellant entered the nursing facility on [REDACTED] and requested a MassHealth start date of 1/28/25. The application date of 2/27/25 makes the property transfer within the 60-month look-back period, as this satisfies both parts of 130 CMR 520.019(B)(2). The appellant's home was assessed for tax purposes at \$346,500.00 in 2023 and "sold" for \$60,256.00. Therefore, it was correctly determined that the appellant transferred the property for less than fair market value on 12/4/23. While a quitclaim deed indicates the property was sold for \$60,256.00, there is no evidence that any money was given to the appellant as consideration for the sale. There are no provisions in the regulations that allow for a transfer of property under these circumstances.

130 CMR 520.019:

(G) Period of Ineligibility Due to a Disqualifying Transfer

- (1) Duration of Ineligibility. Where the MassHealth agency has determined that a disqualifying transfer of resources has occurred, the MassHealth agency will calculate a period of ineligibility. The number of months in the period of ineligibility is equal to the total, cumulative, uncompensated value as defined in 130 CMR 515.001 of all resources transferred by the nursing-facility resident or the spouse, divided by the average monthly cost to a private patient receiving nursing-facility services in the Commonwealth of Massachusetts at the time of application, as determined by the MassHealth

As a result, the appellant is disqualified from long-term coverage for 672 days, from the requested start date of 1/28/25 to 11/30/26, due to the disqualifying transfer of the appellant's home for less than fair market value (\$295,985.00 transfer amount, divided by \$441.00 average daily nursing home rate = 671.17 = 672 Days). MassHealth's decision was correct. The appeal is therefore **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.

Christine Therrien
Hearing Officer
Board of Hearings



cc: MassHealth Representative: Thelma Lizano, Charlestown MassHealth Enrollment Center