

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2512857
<b>Decision Date:</b>	10/30/2025	<b>Hearing Date:</b>	10/14/2025
<b>Hearing Officer:</b>	Scott Bernard		

**Appearance for Appellant:**



**Appearance for MassHealth:**

Jessica Adamiec (Taunton MEC) *via* video conference



*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/ Patient-Paid Amount
<b>Decision Date:</b>	10/30/2025	<b>Hearing Date:</b>	10/14/2025
<b>MassHealth's Rep.:</b>	Jessica Adamiec	<b>Appellant's Rep.:</b>	██████████
<b>Hearing Location:</b>	Taunton MassHealth Enrollment Center	<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 1, 2025, MassHealth informed the appellant that he was eligible for Long-Term Care (LTC) benefits and that starting on August 1, 2024, he would owe his nursing facility \$1,805.20 per month. (See 130 CMR 520.009; 520.026; and Exhibit (Ex.) 1). The appellant filed this appeal in a timely manner on September 4, 2025. (See 130 CMR 610.015(B) and Ex. 2). MassHealth's calculation of the Patient-Paid Amount (PPA) is valid grounds for appeal. (See 130 CMR 610.032).

Initially the appeal hearing was scheduled to take place on October 9, 2025. (Ex. 4). At the appellant's request and for good cause shown, the hearing was rescheduled to October 14, 2025. (Ex. 5; Ex. 6; Ex. 7).

### Action Taken by MassHealth

MassHealth calculated that the appellant's PPA was \$1,805.20 per month beginning August 1, 2024.

## Issue

The appeal issue is whether MassHealth, pursuant to 130 CMR 520.026, correctly calculated the appellant's PPA.

## Summary of Evidence

An eligibility worker from the Taunton MassHealth Enrollment Center and the appellant both attended the hearing by video conference.

The MassHealth representative testified first to the following. The appellant is a single individual under the age of 65 years old. (Testimony; Ex. 3). The appellant applied for LTC benefits in 2024. (Testimony). That application was initially denied but reactivated on November 12, 2024, and this is the relevant application date for this appeal. (Testimony). MassHealth approved the appellant's LTC reapplication on July 1, 2025. (Testimony). Based on that reapplication date MassHealth determined the coverage start date was August 1, 2024. (Testimony; Ex. 1).

MassHealth calculated the appellant's PPA using regulation 130 CMR 520.026. (Testimony; Ex. 8, pp. 4-5). According to an electronic data match with the Social Security Administration, the appellant receives \$1,878.00 in gross monthly Social Security benefits. (Testimony; Ex. 8, p. 3). This is his sole source of income. (Testimony). From this gross income, MassHealth subtracted the Personal Needs Allowance (PNA) of \$72.80, and thereby determined the PPA was \$1,805.20. (Testimony; Ex. 1; Ex. 8, p. 6). The PNA deduction was the only deduction MassHealth found was applicable. (Testimony). The MassHealth representative submitted a copy of the system printout showing the amount of appellant's gross monthly Social Security benefit, a partial copy of 130 CMR 520.026 outlining allowable deductions, and the PPA page from the approval notice. (Ex. 8, pp. 3-6).

In his September 4, 2025 fair hearing submission, the appellant requested an adjustment to his PPA owed to the nursing facility to account for fixed monthly expenses, specifically \$600.00 in rent and \$1,000.00 in child support. (Ex. 2, p. 5)). The appellant enclosed supporting documentation, including bank statements, asserting that these verified his regular expenses from January 1, 2024, through August 21, 2025. (Ex. 2, pp. 5, 11-67). The appellant wrote that he felt that the documents showed he regularly paid monthly rent of \$600.00 and weekly child support of \$250.00 (Ex. 2, p. 5). The appellant asserted that these financial obligations significantly reduced his available income during a critical period that included his diagnosis, hospitalization, back surgery, the start of cancer treatment, and rehabilitation, which occurred between [REDACTED] and [REDACTED] (Id.). The appellant also asserted that these fixed expenses continued to impact his financial situation on an ongoing basis following his discharge from nursing facility in [REDACTED]. (Id.).

The appellant testified to the following. The appellant confirmed that he is a single individual with no community spouse. (Testimony). The appellant has two children under the age of 21 years old,

but they do not reside with him. (Testimony). He reported that he paid no personal health-insurance premium, although his divorce agreement requires him to provide insurance or compensation for insurance coverage for his family. (Testimony). He further indicated that he resided in the LTC facility for more than six months<sup>1</sup> and that no guardian or representative was involved on his behalf. (Testimony).

The appellant asked whether there exists any means of adjusting or reducing the PPA considering his ongoing child-support and insurance obligations. (Testimony). In response, MassHealth advised the appellant that the governing regulations permit only a limited number of deductions - the PNA, spousal-maintenance deduction, family-maintenance deduction for dependents residing with the member and/or the community spouse, health-insurance premiums paid by the member, and certain temporary deductions related to maintaining a home or paying for guardianship services. None appeared applicable to his situation. (Testimony). The appellant acknowledged this explanation, indicated that he understood the limits of the regulatory deductions. (Testimony).

On October 23, 2025, the Hearing Officer contacted the MassHealth representative by email to request verification of the date on which the appellant was admitted to the nursing facility. (Ex. 9).<sup>2</sup> The MassHealth representative responded that the appellant was admitted to the nursing facility in [REDACTED] (Id.).

## Findings of Fact

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

1. The appellant is a single individual under the age of 65 years old. (Testimony; Ex. 3).
2. The appellant was admitted to the LTC facility in [REDACTED]. (Testimony; Ex. 2, p. 5; Ex. 9).
3. The appellant applied for LTC benefits in 2024. (Testimony).
4. That application was initially denied, but reactivated on November 12, 2024, and this is the relevant application date for this appeal. (Testimony).
5. MassHealth approved the appellant's LTC reapplication via notice dated July 1, 2025, setting a monthly PPA of \$1,805.20. (Testimony).

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<sup>1</sup> The appellant's testimony here conflicts with the statement in his fair hearing request indicating he was discharged in [REDACTED]. (Ex. 2). Based on the MassHealth representative's October 23, 2025 email to the hearing officer (see Ex. 9 below), an October 2024 nursing facility discharge would have occurred less than six months after admission.

<sup>2</sup> The appellant was also copied on this email. (Ex. 9).

<sup>3</sup> Although the MassHealth representative stated the specific date of admission, this is not used for reasons of confidentiality.

6. Based on that reapplication date MassHealth determined the coverage start date was August 1, 2024. (Testimony; Ex. 1).
7. MassHealth calculated that the PPA was \$1,805.20 by subtracting the PNA of \$72.80 from the appellant's gross monthly income of \$1,878.00. (Testimony; Ex. 8, pp. 3, 6).
8. The appellant was discharged from the LTC facility in [REDACTED]. (Ex. 2, p. 5).
9. The appellant has no community spouse, dependent family members, qualifying home-maintenance expenses, or allowable medical, insurance, or guardianship expenses. (Testimony).

## **Analysis and Conclusions of Law**

An individual's gross earned and unearned income (and that of any spouse) less certain business expenses and standard income deductions, constitutes the countable-income amount. (130 CMR 520.009(A)(1)). For institutionalized individuals, specific deductions set forth in 130 CMR 520.026 are applied to the countable-income amount to determine the PPA. (130 CMR 520.009(A)(4)). MassHealth applies these deductions in the following order: a personal-needs allowance (PNA); a spousal-maintenance-needs allowance; a family-maintenance-needs allowance; a home-maintenance allowance; and deductions for health-insurance premiums, medical and remedial-care expenses, and certain guardianship fees. (130 CMR 520.026). Although multiple categories of deductions are described within 130 CMR 520.026, only the PNA is applicable in this matter. (130 CMR 520.026(A)(1)). MassHealth deducts \$72.80 per month for a long-term-care resident's PNA. (*Id.*). The appellant has no community spouse, dependent family members, qualifying home-maintenance expenses, or allowable medical, insurance, or guardianship expenses. Therefore, no other deductions under 130 CMR 520.026 apply. The only deduction applicable to the appellant's income is \$72.80 PNA.

MassHealth's calculation of the appellant's monthly PPA owed to his nursing facility, \$1,805.20, was correct.

For the above reasons, the 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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Scott Bernard  
Hearing Officer  
Board of Hearings

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