

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2513432
Decision Date:	12/15/2025	Hearing Date:	10/14/2025
Hearing Officer:	Thomas Doyle	Record Open to:	N/A

Appearance for Appellant:



Appearance for MassHealth:

Kim McAvinchey, Tewksbury 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:	Patient Paid Amount
Decision Date:	12/15/2025	Hearing Date:	10/14/2025
MassHealth's Rep.:	Kim McAvinchey	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 a notice dated July 31, 2025, MassHealth approved appellant for MassHealth Standard to cover his care in a nursing facility, with a Patient Paid Amount (PPA) of \$3,039.99. (Ex. 1).¹ Appellant filed this appeal in a timely manner on September 10, 2022. (130 CMR 610.015(B); Ex. 2). Challenging the scope or amount of assistance is valid grounds for appeal. (130 CMR 610.032).

Action Taken by MassHealth

MassHealth determined appellant's PPA at \$3,025.17.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 520.026 and 520.017, in determining appellant's PPA to the nursing facility.

¹ At hearing, the appeal representative testified appellant received another notice from MassHealth dated October 2, 2025, where MassHealth set the PPA amount at \$3,025.17. This notice was not offered into evidence by either party. This most recent notice of PPA reflects what the MassHealth worker found on her worksheet that is marked as Exhibit 5. The parties stipulated that \$3,025.17 is the PPA amount under appeal with the appeal representative stating that he believes there are exceptional circumstances that would change that PPA amount.

Summary of Evidence

The appeal representative, an attorney, and the MassHealth worker (worker) appeared by phone and were sworn. The evidence shows the following. Through a notice dated July 31, 2025, MassHealth approved an application for long-term care for coverage beginning on January 20, 2025, with a PPA of \$3,025.17.² Appellant has a total gross monthly income of \$4,976.72, including \$2,427 from Social Security and \$2,549.72 from a pension. (Ex. 5, p. 3). In calculating the PPA, MassHealth allowed a deduction of \$72.80 for a personal needs allowance (PNA), and also deducted \$261.25 for health/dental insurance and deducted \$1,617.50 for a spousal maintenance needs allowance (SMNA), resulting in a PPA of \$3,025.17. (Ex. 5, p. 3).

The community spouse has a total gross monthly income of \$2,330.50, including \$2,100 a month from Social Security and \$230.50 from earned wages. (Ex. 5, p. 3). The expenses considered in calculating the minimum monthly maintenance needs allowance (MMMNA) included rent or mortgage at \$679.42; taxes at \$370.72³ and insurance at \$142.42. (Ex. 5, p. 3). MassHealth also added a SNAP utility/heat expense of \$914. This came to a total shelter expense of \$2,106.56. MassHealth then subtracted the standard shelter expense of \$793.14, equaling \$1,313.42. MassHealth then added the federal standard maintenance allowance of \$2,643.75. This equaled an MMMNA of \$3,957.18. However, the federal maximum maintenance monthly needs allowance is \$3,948. (Ex. 5, p. 3). (www.mass.gov/info-details/program-financial-guidelines-for-certain-masshealth-applicants-and-members).

MassHealth then subtracted the monthly income of the community spouse, \$2,330.50, from the maximum MMMNA, \$3,948, for a total SMNA of \$1,617.50. (Ex. 5, p. 3). The worker testified the Federal guidelines do not allow community spouse expenses for credit card debt, car insurance or for home equity line of credit (HELOC) payments. (Testimony).

The appeal representative began by stating the community spouse is paying more in taxes now, a total of \$402.41, than what MassHealth used in their calculations, \$370.72. (Ex. 5, p. 3; Ex. 6, p. 6). The worker replied that it would not make a difference because the community spouse is already receiving the maximum federal amount for living expenses. (Testimony). The appeal representative stated there are exceptional circumstances because of the amount of monthly debt the community spouse is paying. He stated from an equity point of view that the community spouse is under stress from the weight of her bills and she seeks an increase in the monthly amount to cover her expenses. (Testimony). He also stated the community spouse fractured her back while at work and has vision problems. There was no medical evidence

² See footnote 1.

³ This is the figure for taxes MassHealth used in calculating the SMNA. The appeal representative stated the taxes had increased to \$402.41. MassHealth concluded an SMNA of \$3,957.18. Using the updated number would come to an SMNA of \$3,988.86. In each calculation, the maximum federal SMNA amount of \$3,948 is applicable to appellant.

submitted to support these claims, and the appeal representative stated the community spouse is currently working minimal hours. (Testimony; Ex. 6). When asked about the federal guidelines only covering expenses for shelter and utilities, he stated they are outdated and are not “predictive” in Massachusetts. The appeal representative stated that the community spouse is also paying a second mortgage and he believed that should be included in MassHealth’s calculations for her SMNA. The worker stated MassHealth does not consider a second mortgage.

Findings of Fact

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

1. MassHealth approved an application for long-term care for coverage beginning on January 20, 2025, with a PPA of \$3,025.17. (Ex. 1).
2. Appellant has a total gross monthly income of \$4,976.72, including \$2,427 from Social Security and \$2,549.72 from a pension. (Ex. 5, p. 3).
3. In calculating the PPA, MassHealth allowed a deduction of \$72.80 for a personal needs allowance (PNA) and also deducted \$261.25 for health/dental insurance and deducted \$1,617.50 for a spousal maintenance needs allowance (SMNA), resulting in a PPA of \$3,025.17. (Ex. 5, p. 3).
4. The community spouse has a total gross monthly income of \$2,330.50, including \$2,100 a month from Social Security and \$230.50 from earned wages. (Ex. 5, p. 3).
5. The expenses considered in calculating an MMMNA included rent or mortgage at \$679.42; taxes at \$370.72 and insurance at \$142.42. MassHealth also added a SNAP utility/heat expense of \$914. This came to a total shelter expense of \$2,106.56. MassHealth then subtracted the standard shelter expense of \$793.14, equaling \$1,313.42. MassHealth then added the federal standard maintenance allowance of \$2,643.75. This equaled an MMMNA of \$3,957.18. (Ex. 5, p. 3).
6. The federal maximum maintenance monthly needs allowance is \$3,948. (Ex. 5, p. 3).
7. MassHealth subtracted the monthly income of the community spouse, \$2,330.50, from the MMMNA, \$3,948, for a total SMNA of \$1,617.50. (Ex. 5, p. 3).
8. The Federal guidelines do not allow community spouse expenses for credit card debt, car insurance or for home equity line of credit payments. (Testimony).

9. The community spouse is working minimal hours. (Testimony).
10. There was no medical evidence offered to support the community spouse's claims of a back injury or vision problems. (Ex. 6).
11. Only one mortgage is to be considered by MassHealth to determine the MMMNA. (130 CMR 520.526 (B) (1) (b)).

Analysis and Conclusions of Law

The appellant has the burden "to demonstrate the invalidity of the administrative determination." Andrews v. Division of Medical Assistance, 68 Mass. App. Ct. 228 (2007).

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).

The issue on appeal is the PPA that appellant contributes. The appellant would like to provide for the maintenance needs of the community spouse. (130 CMR 520.002(B)). In determining the monthly patient-paid amount, general income deductions must be taken in the following order: a personal-needs allowance (PNA); a spousal-maintenance-needs allowance (SMNA); a family-maintenance-needs allowance for qualified family members (FMNA); a home-maintenance allowance; and health-care coverage and incurred medical and remedial-care expenses. (130 CMR 520.026). The deduction for health care coverage includes current health-insurance premiums or membership costs. (130 CMR 520.026(E)(1)).

If a community spouse's gross income is less than the amount he or she needs to live in the community, MassHealth will calculate a minimum-monthly-maintenance-needs allowance, (MMMNA), and deduct an allowance from the institutionalized spouse's countable-income to meet this need. (130 CMR 520.026(B)). This amount is the spousal-maintenance-needs allowance (SMNA). (130 CMR 520.026(B)). The calculations done under the regulations at 130 CMR 520.026(B) apply to the first month of eligibility in an institution and terminate the first full calendar month in which the spouse is no longer in an institution or no longer has a spouse in the community. This deduction is the amount by which the minimum-monthly-maintenance-needs allowance exceeds the community spouse's gross income. (130 CMR 520.026(B)).

Pursuant to 130 CMR 520.026(B), MassHealth determines the MMMNA by adding the following amounts:

- (1) the federal standard maintenance allowance⁴; and
- (2) an excess shelter allowance determined by calculating the difference between the standard shelter expense⁵ and the shelter expenses for the community spouse's principal residence, including:
 - (a) the actual expenses for rent, mortgage (including interest and principal), property taxes and insurance, and any required maintenance charge for a condominium or cooperative; and
 - (b) the applicable standard deduction under the Food Stamp Program for utility expenses.

The maximum-monthly-maintenance-needs allowance is \$3,948 per month unless it has been increased as the result of a fair-hearing decision based on exceptional circumstances in accordance with 130 CMR 520.017(D).

Under the regulations governing MassHealth, exceptional circumstances exist when there are circumstances other than those already taken into account in establishing the maintenance standards for the community spouse under 130 CMR 520.026(B) and these circumstances result in significant financial duress. (130 CMR 520.017(D)(1)). Since the federal standards used in calculating the MMMNA cover such necessities as food, shelter, clothing, and utilities, exceptional circumstances are limited to those necessities that arise from the medical condition, frailty, or similar special needs of the community spouse. (130 CMR 520.017(D)(1)). Such necessities include, but are not limited to, special remedial and support services and extraordinary uncovered medical expenses. (130 CMR 520.017(D)(1)). Countable expenses generally do not include car payments, even if the car is used for transportation to medical appointments, or home-maintenance expenses such as security systems and lawn care. (130 CMR 520.017(D)(1)).

The expenses incurred and reported by the appellant for credit card bills, car insurance payments and life insurance payments are not considered by MassHealth or the Board of Hearings in calculating an MMMNA. The regulations state MassHealth will determine the MMMNA by adding “the actual expenses for rent, **mortgage** (including interest and principal), property taxes and insurance, and any required maintenance charge for a condominium or cooperative.” (130 CMR 520.526 (B) (1) (b)) (emphasis added). The regulation uses the singular, mortgage, and not the plural mortgages, indicating only one mortgage be counted. The community spouse did not present evidence dealing with uncovered medical expenses.

⁴ The federal standard maintenance allowance utilized by MassHealth was \$2,643.75.

⁵ The Standard Shelter Expense deduction utilized by MassHealth was \$793.14.

While the appellant requested that the Board of Hearings consider utility expenses presented at hearing, (Ex. 6), the regulations do not allow actual costs to be considered, even if they are above the SNAP allowance. Based on the record before me, I do not find exceptional circumstances in this case.

I find the calculations utilized by MassHealth to determine the PPA regarding the July 31, 2025 notice are correct and adhered to the regulatory language. (130 CMR 520.017; 130 CMR 520.026). Therefore, 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.

Thomas Doyle
Hearing Officer
Board of Hearings

cc: [REDACTED]

MassHealth Representative: Quincy MEC, Attn: Appeals Coordinator, 100 Hancock Street, 6th Floor, Quincy, MA 02171