

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2514544
Decision Date:	1/27/2026	Hearing Date:	11/05/2025
Hearing Officer:	Kimberly Scanlon	Record Open to:	12/05/2025

Appearances for Appellant:




Appearance for MassHealth:

Jennifer Canizares, Springfield 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:	Eligibility; Over 65; Long-term care, Patient Paid Amount
Decision Date:	1/27/2026	Hearing Date:	11/05/2025
MassHealth's Rep.:	Jennifer Canizares	Appellant's Reps.:	
Hearing Location:	Springfield MassHealth Enrollment Center Room 2 (teleconference)	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 October 2, 2025, MassHealth informed the appellant that his Patient Paid Amount (PPA) will change from \$5,144.04 to \$5,120.04 on October 1, 2025 because his countable income has decreased. (Exhibit 1, pp. 1-3). Through a separate notice dated September 8, 2025, MassHealth informed the appellant that his PPA will change from \$4,746.24 to \$5,144.04 on October 1, 2025 because his countable income has increased. (Exhibit 1, pp. 4-6). The appellant timely appealed on or about October 3, 2025. (130 CMR 610.015(B); Exhibit 2).¹ The notices were consolidated, and a fair hearing was held on November 5, 2025. (Exhibit 6). The scope of assistance and a request for an adjustment to the community spouse asset allowance are both valid grounds for appeal. (130 CMR 520.017; 130 CMR 610.032).

¹ The Board of Hearings (BOH) initially dismissed the appeal for failure to include a signature on the fair hearing request form. (Exhibit 4). The BOH subsequently received the fair hearing request form with the proper signature and scheduled a hearing (Exhibit 7, p. 4; Exhibit 6).

Action Taken by MassHealth

MassHealth notified the appellant that his PPA will change due to his countable income.

Issue

The issue on appeal is whether MassHealth was correct in calculating the appellant's PPA.

Summary of Evidence

A MassHealth eligibility representative appeared at the hearing virtually and testified as follows: The appellant is over the age of [REDACTED] and he was admitted to a nursing facility on [REDACTED] 2023. He has a community spouse. On October 2, 2025, MassHealth informed the appellant that his PPA will change from \$5,144.04 to \$5,120.04 on October 1, 2025 because the appellant's countable income has gone down. (Exhibit 1, p. 1). The MassHealth representative explained that she was under the impression that the appellant was disputing the PPA calculation. However, after receiving the memorandum submitted by the appellant's attorney, MassHealth was made aware that the dispute includes the community spousal maintenance needs allowance (SMNA). (Exhibit 8). The MassHealth representative stated that MassHealth calculated the SMNA for the community spouse as \$1,156.32 which was based on her reported income from 2023. (Exhibit 1, p. 2). Specifically, at that time, the community spouse reported that she was employed, earning \$609.47 gross per month, and that she receives monthly unearned income in the amount of \$496.31 from a pension and \$1,254.10 from social security benefits. She explained that the appellant's long-term care review form, which MassHealth received on October 21, 2025, should have reported any changes in the community spouse's income, including her living expenses. Any reported changes in this form would affect how MassHealth calculated the SMNA and the PPA.² Here, the appellant's long-term care review form was left blank.

The appellant's son and his attorney appeared at the hearing virtually. The attorney explained that the community spouse moved into an independent living community for seniors in [REDACTED] 2025, following the foreclosure of the marital home. (Exhibit 8, p. 3). At the living community, the spouse pays \$390 per month in rent, in addition to paying for heating costs that are not included in her rent, and for utilities. *Id.* The son confirmed that the community spouse (his mother) is no longer employed. The attorney inquired about the long-term care review form that was sent to the appellant's community spouse in October 2025. MassHealth

² MassHealth explained that the appellant's PPA was calculated as follows: the appellant receives \$2,837 gross per month from social security and \$3,903.84 from a pension, amounting to \$6,740.84. (Exhibit 1, pp. 1-2). From that amount, MassHealth deducted the following allowable expenses: \$72.80 for a Personal Needs Allowance (PNA), \$1,156.32 for a spouse in home, \$185 for his Medicare premium, and \$206.68 for other health insurance, totaling \$1,620.80, arriving at \$5,120.04 as the appellant's PPA. (Exhibit 1, p. 2).

confirmed that the form was sent to the address listed on file for the community spouse; the attorney confirmed that the community spouse's address is the address of the foreclosed property. Thus, the appellant's spouse did not receive the long-term care eligibility review form. The MassHealth representative explained that in addition to not receiving the spouse's updated income, MassHealth did not receive any address updates. The appellant's attorney confirmed that in addition to submitting a memorandum, she also submitted a copy of the community spouse's updated income information, expenses, and a proposed minimum monthly maintenance needs allowance (MMMNA) chart to the BOH prior to the hearing. The MassHealth representative confirmed that she did not receive a copy of the latter documentation. The hearing officer submitted a copy to the MassHealth representative at the hearing.

As to the proposed MMNA chart submitted, the attorney inquired if MassHealth still used the federal standard allowance of \$2,643.75; the MassHealth representative responded affirmatively. (See, Exhibit 7, p. 26). Additionally, the MassHealth representative confirmed that a standard shelter allowance of \$793.13 is used, and a standard allowance of \$914 if heat is not included in the lease. The attorney confirmed that the community spouse's rental agreement was included in her submission, which indicates that she pays separately for heating costs. (Exhibit 7, p. 25). The attorney stated that considering these figures, she calculated the total MMMNA at \$3,154.62. She explained that in arriving at this figure, she used the federal standard allowance of \$2,643.75, plus the difference between the standard shelter allowance of \$793.13 and the actual shelter expenses of \$390 for rent and \$914 for heat which amounts to \$1,304, less the excess shelter allowance of \$793.13 which amounts to \$510.87, arriving at \$3,154.62. (Exhibit 7, p. 26).

The attorney further stated that in calculating the asset allowance, she took the community spouse's income from social security in the amount of \$665 plus other income with spousal resource allocation in the amount of \$408.29 which amounts to \$1,073.29. *Id.* She subtracted this amount from \$3,154.62, resulting in a shortfall of \$2,081.33. Additionally, in calculating the institutional spouse's income, the attorney added his social security income with his other income amounting to \$3,903.84 for a total of \$6,740.84, less \$72.80 for a PNA, and less \$391.68 for a monthly health insurance premium (\$206.68 + 185) amounts to \$6,276.36 as the remaining amount available. The attorney took this figure, less the \$2,081.33 allotted to the community spouse, for a total of \$4,195.

Following the hearing, the record was left open for a brief period for the appellant to submit additional documentation (updated long-term care eligibility review form, current bank statement, and foreclosure documentation) and for MassHealth to review submission. (Exhibit 9). MassHealth subsequently responded that the appellant's submission was received and on December 19, 2025 notified the appellant that he was approved for Standard benefits to cover his long-term care services in the facility beginning on November 26, 2025, with a \$5,060.88 monthly PPA assessed starting on January 1, 2026. (Exhibit 10, p. 1). MassHealth calculated the PPA as follows: \$2,915.90

from social security income plus \$4,001.34 from a pension equals \$6,818 less \$72.80 for a personal needs allowance, \$1,373.98 for a spouse in home, \$202.90 for Medicare premium, and \$206.68 for other health insurance = \$5,060.88. (Exhibit 10, p. 5). Additionally, MassHealth calculated the MMMNA at \$3,154.62. (Exhibit 10, p. 11). In calculating the \$1,373.98 SMNA, MassHealth subtracted the community spouse's income of \$1,780 from the MMMNA. *Id.* MassHealth explained that these adjustments changed the appellant's PPA as follows: \$4,902.38 for the months of October and November 2025, \$4,999.88 for December 2025 (increase due to gross pension change reported on application), and \$5,060.88 for January 2026 (increase due to change in SSA income and Medicare premium). (Exhibit 10, p. 12).

Findings of Fact

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

1. The appellant is over the age of 65 and a current resident of a skilled nursing facility.
2. The appellant has a community spouse.
3. On September 8, 2025, MassHealth informed the appellant that his PPA will change from \$4,746.24 to \$5,144.04 beginning on October 1, 2025, because MassHealth determined that his countable income has increased.
4. On October 2, 2025, MassHealth informed the appellant that his PPA will change from \$5,144.04 to \$5,120.04 beginning on October 1, 2025, because MassHealth determined that his countable income has decreased.
5. MassHealth determined that the appellant has a gross Social Security/Railroad Retirement income of \$2,837 and gross income from a pension of \$3,903.84, totaling \$6,740.84.
6. The appellant is entitled to a deduction for his PNA of \$72.80, for a spouse in the home, of \$1,156.32, for his Medicare premium of \$185, and for his health insurance premium of \$206.68.
7. The appellant timely appealed this MassHealth action.
8. Following the hearing, the record was left open for the appellant to submit additional documentation.
9. MassHealth subsequently responded that the appellant's documentation was received and on December 19, 2025 notified him that his PPA will change to \$5,060.88 beginning

on January 6, 2026. The appellant's PPA for October and November 2025 changed to \$4,902.38 and for December 2025 to \$4,999.88.

10. On December 19, 2025, MassHealth determined that the appellant has a gross Social Security/Railroad Retirement income of \$2,915.90 and gross income from a pension of \$4,001.34, totaling \$6,818.00.
11. The appellant is entitled to a deduction for his PNA (\$72.80), for a spouse in the home (\$1,373.98), for his Medicare premium (\$202.90), and for his health insurance premium (\$206.68).

Analysis and Conclusions of Law

The issue in this appeal is whether MassHealth correctly determined the appellant's PPA. The PPA is the amount that a member in a long-term care facility must contribute to the cost of his or her care under the laws of the Commonwealth of Massachusetts. (130 CMR 515.001). By regulation, MassHealth allows several deductions from the member's income in calculating the PPA. (130 CMR 520.026).

In accordance with 130 CMR 520.026, general income deductions must be taken in the following order: a personal-needs allowance; a spousal-maintenance-needs allowance; a family-maintenance-needs allowance for qualified family members; a home-maintenance allowance; and health-care coverage and incurred medical and remedial-care expenses. These deductions are used in determining the monthly patient-paid amount.

In this case, MassHealth deducted a personal needs allowance, a spousal-maintenance-needs allowance, and health-care coverage but determined that he is not eligible for any other deductions. The appellant did not present any evidence to suggest that MassHealth made any errors in its calculations. The personal needs allowance is a set figure. The appellant has updated his income and health insurance premium costs, and MassHealth adjusted its calculations in accordance with these updates. The appellant's representative did not dispute MassHealth's updated calculations. Similarly, for the spousal maintenance needs allowance (SMNA), the appellant has presented updated figures and MassHealth adjusted its calculations accordingly. The appellant's representative did not dispute MassHealth's updated calculations.³ To calculate the SMNA, MassHealth first determines the minimum monthly maintenance needs

³ While not specifically argued here, the appellant has not demonstrated that an increase to the spouse's MMMNA is warranted based on exceptional circumstances per 130 CMR 520.017(D)(1). Exceptional circumstances are limited to those necessities that arise from the medical condition, frailty, or similar special needs of the community spouse, and the appellant did not present evidence related to the health or other special needs of his spouse.

allowance (MMMNA) by adding the federal standard maintenance allowance and an excess shelter allowance determined by calculating the difference between the standard shelter expense and the shelter expenses for the community spouse's principal residence, including 1. 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 2. the applicable standard deduction under the Supplemental Nutrition Assistance Program for utility expenses. (130 CMR 520.017(B)). If the community spouse's gross income is less than the amount he needs to live in the community (MMMNA) as determined by MassHealth, MassHealth may deduct an amount from the institutionalized spouse's countable-income amount to meet this need. This amount is the spousal-maintenance-needs deduction. (130 CMR 520.026(B)). Here, MassHealth correctly calculated the SMNA of \$1,373.98 by subtracting the spouse's income of \$1,780 from his MMMNA of \$3,154.62. (Exhibit 10, p. 11).

There is no evidence that the appellant is eligible for family-maintenance needs allowance for qualified family members such as: a minor child, a dependent child, parent, or sibling. (See, 130 CMR 520.026(C)). The appellant is not eligible for a home-maintenance allowance because his nursing home stay began in [REDACTED] 2023. Thus, his eligibility for the home maintenance needs deduction ended six months later. (See, 130 CMR 520.026(D)). There is also no evidence that the appellant qualifies for any of the other deductions (apart from those for the PNA, SMNA, and health-care coverage) set forth in 130 CMR 520.026.

There is no evidence that MassHealth erred in calculating the appellant's PPA from October 1, 2025, to present, as more fully described above.

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.

Kimberly Scanlon
Hearing Officer
Board of Hearings

cc:

[REDACTED]

MassHealth Representative: Dori Mathieu, Springfield MassHealth Enrollment Center, 243 Cottage Street, Springfield, MA 01104