

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2514589
Decision Date:	12/9/2025	Hearing Date:	November 4, 2025
Hearing Officer:	Stanley Kallianidis		

Appellant Representative:



MassHealth Representative:

Kim McAvinchey, Tewksbury



**Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
Board of Hearings
100 Hancock Street, 6th Floor
Quincy MA 02171**

APPEAL DECISION

Appeal Decision:	Denied	Issue:	Coverage Start Date
Decision Date:	12/9/2025	Hearing Date:	November 4, 2025
MassHealth Rep.:	Kim McAvinchey	Appellant Rep.:	[REDACTED]

Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder.

Jurisdiction

Notice dated September 3, 2025 was sent to the appellant stating that MassHealth had approved her application for MassHealth benefits beginning July 21, 2025 (Exhibit 1). The appellant filed this appeal on October 6, 2025 and, therefore, it is timely (see Exhibit 2 and 130 CMR 610.015). A dispute over the MassHealth start date is grounds for appeal (130 CMR 610.032).

Notice of the hearing was sent to the parties on October 9, 2025 (Exhibit 3).

Action Taken by MassHealth

MassHealth approved the appellant's application for MassHealth benefits beginning July 21, 2025.

Issue

Pursuant to 130 CMR 520.004, whether or not the appellant reduced her excess assets to the allowable asset limitation as of her requested MassHealth start date.

Summary of Evidence

The MassHealth representative testified that the appellant applied for MassHealth benefits on July 16, 2025. According to the appellant's application, the appellant had approximately \$1,600.00 stolen from her bank account in May 2025, but these funds were subsequently returned to her in June 2025 and were considered a countable asset. The appellant's assets totaled \$2,700.00 as of her requested eligibility date of July 19, 2025. The assets were reduced to below \$2,000.00 on July 29, 2025. In order to determine if the appellant was entitled to an earlier eligibility date, her excess assets were compared to her outstanding medical expenses. These excess assets were not exceeded until July 21, 2025 using the appellant's nursing home per diem of \$585.00. This is the date that MassHealth established the appellant's eligibility for long-term care benefits (Exhibit 4).

The appellant's representative testified that the appellant is requesting an eligibility date of July 19, 2025. She stated that the appellant's assets that were stolen and subsequently returned to her were noncountable assets. She cited 130 CMR 520.009(E) as a basis for her position. 130 CMR 520.009(E) provides in pertinent part that funds "reserved" to replace a lost or stolen asset are not countable.

Findings of Fact

The record shows, and I so find:

1. The appellant applied for MassHealth benefits on until July 21, 2025 (Exhibit 4).
2. The appellant had approximately \$1,600.00 stolen from her bank account in May 2025, but these were subsequently returned to her in June 2025 (Exhibit 4 and testimony).
3. The appellant's assets totaled \$2,700.00 as of her requested eligibility date of July 19, 2025 (Exhibit 1).
4. The assets were reduced to below \$2,000.00 on July 29, 2025 (Exhibit 4).
5. The appellant's excess assets were exceeded by her medical expenses on July 21, 2025, the date that MassHealth established her eligibility for long-term care (Exhibit 4 & testimony).

Analysis and Conclusions of Law

Pursuant to 130 CMR 520.003(A): The total value of countable assets owned by or available to individuals applying for or receiving MassHealth Standard or Limited may not exceed the following limits:

(1) for an individual — \$2,000; and

(2) for a couple living together in the community where there is financial responsibility according to 130 CMR 520.002(A)(1) — \$3,000.

With regard to asset reduction, 130 CMR 520.004 provides as follows:

(A) Criteria

(1) An applicant whose countable assets exceed the asset limitation may be eligible for MassHealth:

(a) as of the date the applicant reduces his or her excess assets to the allowable asset limitation without violating the transfer of asset provisions for nursing facility residents at 130 CMR 520.018(C) or

(b) as of the date, described in 130 CMR 520.004(C), the applicant incurs medical bills that equal the amount of the excess assets and reduces the assets to the allowable asset limitation within 30 days of the date of the notification of excess assets.

(2) In addition, the applicant must be otherwise eligible for MassHealth.

(B) Evaluating Medical Bills. MassHealth will not be responsible for payment of that portion of the medical bills equal to the amount of excess assets. Bills used to establish eligibility:

(1) cannot be incurred earlier than the first day of the third month prior to the date of the application as described at 130 CMR 516.002; and

(2) must not be the same bills or the same portions of the bills that are used to meet a deductible based on income.

(C) Date of Eligibility. The date of eligibility for otherwise eligible individuals described at 130 CMR 520.004 (A)(1)(b) is the date that his or her incurred allowable medical expenses equaled or exceeded the amount of his or her excess assets.

(1) If, after eligibility has been established, an individual submits an allowable bill with a medical service date that precedes the date established under 130 CMR 520.004(C),

MassHealth will readjust the date of eligibility.

(2) In no event shall the first day of eligibility be earlier than the first day of the third month prior to the date of the application.

(D) Verification

The applicant will be required to verify that he or she incurred the necessary amount of medical bills and that his or her excess assets were reduced to the allowable asset limitation within required time frames.

In the instant appeal, I have found that the appellant filed her application on July 21, 2025. I have also found that the appellant's assets totaled \$2,700.00 as of her requested eligibility date of July 19, 2025, and that these excess assets were exceeded by her medical expenses on July 21, 2025, the date that MassHealth established her eligibility for long-term care.

The appellant is seeking to have the money that was stolen and returned to her to be deemed noncountable even though it was in her account as of her requested eligibility date. I conclude, however, that 130 CMR 520.009 (E) does not apply to the appellant's assets in question because they were not "reserved" proceeds set aside to replace a stolen asset.

Accordingly, the appellant is not entitled to an earlier eligibility date than July 21, 2025.

Therefore, her 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.

Stanley Kallianidis
Hearing Officer
Board of Hearings

cc:

Tewksbury MEC

