

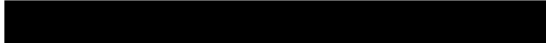
**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Dismissed, in part, Denied, in part	Appeal Number:	2514792
Decision Date:	12/22/2025	Hearing Date:	11/07/2025
Hearing Officer:	Patrick Grogan	Record Open to:	N/A

Appearance for Appellant:



Appearance for MassHealth:

Victoria Ragbir, MassHealth Charlestown

Interpreter:

N/A



*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:	Dismissed, in part, Denied, in part	Issue:	Long Term Care, Patient Paid Amount,
Decision Date:	12/22/2025	Hearing Date:	11/07/2025
MassHealth's Rep.:	Victoria Ragbir	Appellant's Rep.:	[REDACTED]
Hearing Location:	Remote (Tel)	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 approved the Appellant's application for MassHealth benefits for MassHealth Standard to cover care in a nursing facility and determined that the Patient Paid Amount (PPA) calculated to \$3,760.83, beginning July 1, 2025. (see Exhibit 1) The Appellant filed this appeal in a timely manner on October 9, 2025. (see 130 CMR 610.015(B) and Exhibit 2) Challenging the scope or amount of assistance is valid grounds for appeal. (see 130 CMR 610.032)

Action Taken by MassHealth

MassHealth calculated the Appellant's monthly Patient Paid Amount (PPA) as \$3,760.83 beginning July 1, 2025. (Exhibit 1)

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 520.017, 130 CMR 520.025, and 130 CMR 520.026, in determining the Appellant's Patient Paid Amount (PPA) to the nursing facility.

Summary of Evidence

The Appellant is an individual over [REDACTED] who has been approved for long term care services. (Exhibit 1, Exhibit 4) Through a Notice dated October 2, 2025, MassHealth approved an application for long term care coverage and adjusted the Patient Paid Amount (PPA). (Exhibit 1, Testimony) The Notice calculated a Patient Paid Amount (PPA) of \$3,760.83. (Exhibit 1) The instant appeal followed.

In calculating the Patient Paid Amount, MassHealth begins by calculating the Minimum Monthly Maintenance Needs Allowance (MMNA) by combining certain expenses of the community spouse: mortgage, real estate taxes, and heating expenses. In this case, there is no community spouse. (Testimony, Exhibit 1). Therefore, there is no MMNA. This was confirmed by the parties at Hearing. (Testimony)

Next, MassHealth calculates the Spousal Maintenance Needs Allowance (SMNA) for 2025. (Testimony, Exhibit 5) In this case, there is no community spouse. (Testimony, Exhibit 1) Therefore, there is no SMNA. This was confirmed by the parties at Hearing. (Testimony)

To complete the Patient Paid Amount (PPA) calculation, MassHealth determined the Appellant's monthly income is derived from a pension for a total of \$4,011.38/month. (Testimony, Exhibit 1, Exhibit 5, pg. 1) MassHealth then subtracted the personal needs allowance amount of \$72.80 as well as the health insurance premium the Appellant pays in the amount of \$177.75 to arrive at the Patient Paid Amount of \$3,760.83 beginning July 1, 2025. (Testimony, Exhibit 1)

MassHealth's submission includes information related to the calculation of the PPA amount from July 1, 2025 forward from which the October 2, 2025 Notice is derived, a June 10, 2025 Notice¹, which had not been appealed, information related to the calculation of the PPA amount from January 12, 2025, a copy of the Appellant's pension statement dated March 14, 2025, a copy of the Appellant's pension statement dated September 30, 2025, as well as a portion of MassHealth Regulations, specifically 130 CMR 520.009. (Exhibit 5) MassHealth explained that MassHealth utilizes gross income figures and acknowledged that the Commonwealth of Massachusetts pension adjusts in July yearly. (Testimony, Exhibit 5)

In the Fair Hearing Request, the Appellant indicated that taxes continued to be removed from the Appellant's pension until July 1, 2025. (Exhibit 2) Additionally, the Appellant stated that the Appellant is unable to pay the full PPA amount because the taxes had been taken out for the first 6 months in which the PPA had been calculated. (Exhibit 2) The Appellant's submission includes various bank statements from the end of 2024 into May of 2025, the same

¹ The June 10, 2025 Notice approved the Appellant for long term care benefits and established a PPA in the amount of \$3,746.38, beginning in January of 2025. (Exhibit 5, pg. 10)

copy of the Appellant's pension statement dated March 14, 2025, as well as the same copy of the Appellant's pension statement dated September 30, 2025. (Exhibit 6) The Appellant, through the Appeal Representative, stated that the Appellant requests adjustment of the PPA from January of 2025 through June of 2025. (Exhibit 6) The submission states that during the months of January 2025 through June 2025 the Appellant was only receiving \$3,430.24. (Exhibit 6) This is the net amount shown on the March 14, 2025 pension statement, which the Appellant received. (Exhibit 5, Exhibit 6)

At Hearing, the Appeal Representative stated that the Appellant had been private paying for his care, but the funds are depleted. (Testimony) The Appeal Representative indicated that the facility had sent estimated PPAs and did not understand why MassHealth did not inform the facility that the estimates were not accurate. (Testimony) MassHealth responded that MassHealth calculates the PPA based upon gross income and does not utilize estimates furnished by or on behalf of members in the calculation. (Testimony) The Appeal Representative confirmed that no appeal was filed on the June 10, 2025 Notice. (Testimony)

Findings of Fact

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

1. Through a Notice dated October 2, 2025, MassHealth approved an application for long term care coverage and adjusted the Patient Paid Amount (PPA).
2. The Notice calculated a Patient Paid Amount (PPA) of \$3,760.83. (Exhibit 1)
3. There is no Monthly Maintenance Needs Allowance (MMNA) calculation. (Testimony, Exhibit 1)
4. There is no Community Spouse Income calculation, as agreed by the parties at Hearing. (Testimony, Exhibit1)
5. There is no Spousal Maintenance Needs Allowance (SMNA) calculation, as agreed by the parties at Hearing. (Testimony, Exhibit 1)
6. The Appellant's monthly income calculation is \$4,011.38/month derived from a pension. (Testimony, Exhibit 1)
7. After deducting the Personal Needs Allowance in the amount of \$72.80 as well as the Appellant's contribution to health insurance in the amount of \$177.75/month, the Patient Pay Amount (PPA) calculation is \$3,760.83. (Testimony, Exhibit 1, Exhibit 5, pg. 2)

8. The Appellant did not appeal the June 10, 2025 Notice. (Testimony)

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. See also Fisch v. Board of Registration in Med., 437 Mass. 128, 131 (2002); Faith Assembly of God of S. Dennis & Hyannis, Inc. v. State Bldg. Code Commn., 11 Mass. App. Ct. 333, 334 (1981); Haverhill Mun. Hosp. v. Commissioner of the Div. of Med. Assistance, 45 Mass. App. Ct. 386, 390 (1998).

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 ■ 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).

Regarding the Appellant's request to adjust the PPA amount from January 2025 through June 2025, as memorialized within the June 10, 2025 Notice (Exhibit 5), the appeal of the January 2025 through June 2025 PPA is untimely. The time standards for an Appeal may be found at 610.015(B)(1):

610.015: Time Limits

(B) Time Limitation on the Right of Appeal. The date of request for a fair hearing is the date on which BOH receives such a request in writing. BOH must receive the request for a fair hearing within the following time limits:

(1) 60 days after an applicant or member receives written notice from the MassHealth agency of the intended action. Such notice must include a statement of the right of appeal and the time limit for appealing. In the absence of evidence or testimony to the contrary, it will be presumed that the notice was received on the fifth day after mailing;

When an Appeal is not timely, the Appeal will be dismissed pursuant to 130 CMR 610.035 (A)(1):

610.035: Dismissal of a Request for a Hearing

(A) BOH will dismiss a request for a hearing when

(1) the request is not received within the time frame specified in 130 CMR 610.015;

Here, the Appeal Representative confirmed that the Appellant did not appeal the June 10, 2025 Notice. The sole Request for Fair Hearing Form in this Administrative Record is dated October 9, 2025. Accordingly, the portion of this appeal seeking adjustment of the PPA from January 2025 through June 2025 is DISMISSED. (130 CMR 610.015(B)(1), 130 CMR 610.035(A)(1))

Regarding the issue timely raised on appeal, the PPA that the Appellant contributes from July 1, 2025 to present, the Appellant, through the Appeal Representative, is seeking a reduction in the PPA for the Appellant because they indicated that the Appellant is unable to pay the full amount due to taxes being taken out for the first 6 months of the Appellant's income. (Testimony, Exhibit 2) In determining the monthly PPA, 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)). Here, the Personal Needs Allowance was calculated at \$72.80. (Testimony, Exhibit 1)

I find the calculation utilized by MassHealth to determine the Patient Paid Amount regarding the October 2, 2025 Notice adheres to the regulatory language. (130 CMR 520.017, 130 CMR 520.025, 130 CMR 520.026) The Appellant's income is derived from a pension for a total of \$4,011.38/month. (Testimony, Exhibit 1, Exhibit 5) Here, the Personal Needs Allowance was calculated at \$72.80. (Testimony, Exhibit 1) The Appellant has provided no evidence of any expenses that would qualify pursuant to a spousal-maintenance-needs allowance (SMNA) nor a family-maintenance-needs allowance (FMNA). (Testimony, Exhibit 1) There is no home-maintenance allowance, and no incurred medical nor remedial-care expenses were submitted. (Testimony, Exhibit 1) The Appellant does contribute to health care coverage and a deduction in the amount of \$177.75 based upon the Appellant's contribution to health insurance was calculated. (Exhibit 1, Exhibit 5, pg.2) Although the Appellant stated that he was unable to pay the full amount due to taxes, MassHealth utilizes gross earned and unearned income figures to calculate countable income. (130 CMR 520.009(A)(1)) After countable income is determined, MassHealth calculates deductions to the PPA as enumerated in the Regulations. (130 CMR 520.009 (A)(3))

In disputing MassHealth's PPA determination, the Appellant, through the Appeal Representative, also took issue with MassHealth's practice of determining financial eligibility based on an individual's gross income, as opposed to net income. This argument, however, amounts to a challenge to the legality of applicable law and cannot be adjudicated in this

hearing decision. The Appellant may, however, raise such arguments on judicial review in accordance with M.G.L. c. 30A.²

Based upon the information submitted on behalf of the Appellant as well as the controlling Regulations, MassHealth calculated a PPA in the amount of \$3,760.83/month. (Exhibit 1) The Appeal Representative explained the confusion regarding how MassHealth calculated income and the PPA. This general confusion does not invalidate that administrative determination by MassHealth which comports with the explicit dictates of 130 CMR 520.009 and 130 CMR 520.026. This PPA calculation conforms with the Regulations. The Appellant has not shown the invalidity of MassHealth's administrative determination. Accordingly, this 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.

Patrick M. Grogan
Hearing Officer
Board of Hearings

CC: 

² MassHealth Fair Hearing Rules at 130 CMR 610.082(C)(2) state that:

The hearing officer must not render a decision regarding the legality of federal or state law including, but not limited to, the MassHealth regulations. If the legality of such law or regulations is raised by the appellant, the hearing officer must render a decision based on the applicable law or regulation as interpreted by the MassHealth agency. Such decision must include a statement that the hearing officer cannot rule on the legality of such law or regulation and must be subject to judicial review in accordance with 130 CMR 610.092.

MassHealth Representative: Monica Ramirez, Charlestown MassHealth Enrollment Center, 529
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