

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2515133
Decision Date:	12/19/2025	Hearing Date:	November 12, 2025
Hearing Officer:	Stanley M. Kallianidis	Record Open Date:	December 12, 2025

Appellant Representative:



MassHealth Representative:

Jennifer Carroll, Taunton



*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:	Disqualifying Transfer of Assets
Decision Date:	12/19/2025	Hearing Date:	November 12, 2025
MassHealth Rep.:	Jennifer Carroll	Appellant Representative:	[REDACTED]

Authority

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

Jurisdiction

Through notice dated September 12, 2025, MassHealth denied the appellant's application for MassHealth benefits for the period April 8, 2025-June 22, 2025 due to disqualifying transfers (see Exhibit 1). The appellant filed this appeal in a timely manner on September 19, 2025 (see 130 CMR 610.015) and Exhibit 2). A dispute over the amount of assistance is valid grounds for appeal (see 130 CMR 610.032).

On October 21, 2025, a hearing notice was sent to the parties (Exhibit 3).

Action Taken by MassHealth

MassHealth denied the appellant's application for MassHealth benefits for the period April 8, 2025-June 22, 2025.

Issue

Was MassHealth correct, pursuant to 130 CMR 520.019 in determining that the appellant made disqualifying transfers of \$32,900.00?

Summary of Evidence

The MassHealth representative testified that the appellant applied for MassHealth long-term care on July 28, 2025. She was admitted into her facility in the [REDACTED]. The application was denied for the period April 8, 2025-June 22, 2025 due to disqualifying transfer of \$32,900.00. The appellant was approved for MassHealth on June 23, 2025 (Exhibit 1).

The MassHealth representative submitted a packet into the record which documented five checks written to the appellant, her spouse and other individuals between August 2024 and February 2025. Because there were no receipts provided to show that these payments were made in exchange for fair market value goods or services, they were considered disqualifying transfers (Exhibit 4).

The ineligibility period was 75 days. This was determined by taking the total transferred amount, \$32,900.00, and dividing it by the average daily private nursing home rate, \$441.00, beginning April 8, 2025, the date that she was otherwise eligible for MassHealth (Exhibit 1).

The appellant's representative contended that the \$32,900.00 that the appellant withdrew from her checking account were for valid expenses, except for the \$4,000.00 withdrawal which was the result of a scam that the appellant fell for. The appellant's representative requested additional time to obtain the receipts for the expenditures as well as a police report for the stolen funds.

The record was left open for the appellant to submit additional information to the MassHealth representative in order to document that all or a portion of the transferred amount was used for the appellant's benefit and for MassHealth to respond (Exhibit 5).

Based upon what was submitted, the MassHealth representative indicated that she could not modify the \$32,900.00 disqualifying transfer figure as there were no receipts for the goods/services purchased, nor was a police report submitted in regard to the scam or stolen funds (Exhibit 6).

The appellant's representative responded with additional information, but there were no receipts submitted, only the appellant's hand-written notations. While there was a police report included in these records, this was in reference to a domestic dispute and not the \$4,000.00 that was allegedly stolen (Exhibit 7).

Findings of Fact

Based on a preponderance of the evidence, I find:

1. The appellant applied for MassHealth long-term care on July 28, 2025 (Exhibit 4).
2. The appellant was admitted into her facility in the [REDACTED] (testimony).
3. The application was denied for the period April 8, 2025-June 22, 2025 due to disqualifying transfers of \$32,900.00 (Exhibit 1).
4. The ineligibility period was 75 days using the average daily private nursing home rate, \$441.00 beginning April 8, 2025 (Exhibit 1).
5. The appellant wrote checks written to herself, her spouse and other individuals between August 2024 and February 2025 (Exhibit 4).
6. There were no receipts provided to show that these payments were made in exchange for fair market value goods or services (Exhibits 4-7).
7. There was no police report submitted in regard to the \$4,000.00 scam or stolen funds (Exhibit 6).

Analysis and Conclusions of Law

MassHealth considers any transfer during the appropriate look-back period by the nursing-facility resident or spouse of a resource, or interest in a resource, owned by or available to the nursing-facility resident or the spouse (including the home or former home of the nursing-facility resident or the spouse) for less than fair-market value a disqualifying transfer unless listed as permissible in 130 CMR 520.019(D), identified in 130 CMR 520.019(F), or exempted in 130 CMR 520.019(J). MassHealth may consider as a disqualifying transfer any action taken to avoid receiving a resource to which the nursing-facility resident or spouse is or would be entitled if such action had not been taken. Action taken to avoid receiving a resource may include, but is not limited to, waiving the right to receive a resource, not accepting a resource, agreeing to the diversion of a resource, or failure to take legal action to obtain a resource. In determining whether or not failure to take legal action to receive a resource is reasonably considered a transfer by the individual, MassHealth will consider the specific circumstances involved. A disqualifying transfer may include any action taken which would result in making a formerly available asset no longer available (130 CMR 520.019(C)).

130 CMR 520.019(F) provides with regard to intent of transferring assets:

Determination of Intent: In addition to the permissible transfers described in

130 CMR 520.019(D), MassHealth will not impose a period of ineligibility for transferring resources at less than fair-market value if the nursing-facility resident or the spouse demonstrates to MassHealth's satisfaction that:

- (1) the resources were transferred exclusively for a purpose other than to qualify for MassHealth; or
- (2) the nursing-facility resident or spouse intended to dispose of the resource at either fair-market value or for other valuable consideration. Valuable consideration is a tangible benefit equal to at least the fair-market value of the transferred resource.

In the instant appeal, I have found that the appellant applied for MassHealth long term care on July 28, 2025 after she was admitted into her facility in the [REDACTED]. The application was denied for the period April 8, 2025-June 22, 2025 due to disqualifying transfers of \$32,900.00. At issue are five checks that the appellant wrote to herself, her spouse and other individuals between August 2024 and February 2025.

Based upon the evidence submitted at the hearing and record-open period, I conclude that the appellant has failed to demonstrate by a preponderance of the evidence that she any received fair market value for any of these disbursements. Although there were written notations purportedly explaining what the money was used for, no receipts were ever provided despite the numerous requests that were made for them. Additionally, there is no evidence that the appellant ever had \$4,000.00 stolen or falsely taken from her by a scam.

I further conclude that the transfers were not made "*exclusively* (emphasis added) for a purpose other than to qualify for MassHealth." The transfers involved a large sum of money within a short period of time leading up to the appellant's application for long-term care benefits. Qualifying for MassHealth was therefore a factor in these expenditures which satisfies the intent requirement of the regulation.

The appeal is therefore 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 M. Kallianidis
Hearing Officer
Board of Hearings

cc:

Taunton MEC

