

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:

[REDACTED]

Appeal Decision:	Denied	Appeal Number:	2515368
Decision Date:	02/26/2026	Hearing Date:	12/29/2025
Hearing Officer:	Emily Sabo	Record Open to:	1/16/2026

Appearance for Appellant:

[REDACTED]

Appearance for MassHealth:

Kelly Souza, Taunton 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:	Long Term Care; Patient-Paid Amount
Decision Date:	02/26/2026	Hearing Date:	12/29/2025
MassHealth's Rep.:	Kelly Souza	Appellant's Rep.:	Daughter-in-law
Hearing Location:	Taunton MassHealth Enrollment Center (Telephone)	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 September 22, 2025, MassHealth determined that the Appellant's Patient-Paid Amount (PPA) for MassHealth Long-Term-Care would change from \$549.00 to \$1,854.20, on October 1, 2025. Exhibit 1.¹ The Appellant filed this appeal in a timely manner on October 21, 2025, stating that "Adjusted income is inaccurate due to [Appellant] not being able to access his bank account as incapacitated due to stroke. Son has been paying [Appellant's] bills with his credit card and personal bank account as attached." 130 CMR 610.015(B) and Exhibit 2. Denial of assistance is valid grounds for appeal. 130 CMR 610.032.²

Action Taken by MassHealth

MassHealth adjusted the Appellant's PPA from \$549.00 to \$1,854.20, effective October 1, 2025.

¹ MassHealth's calculation was based on the Appellant's total countable income of \$1,927.00 minus \$72.80 for a personal-needs-allowance deduction. Exhibit 1.

² On November 20, 2025, the Board of Hearings dismissed the appeal for failure to appear at the November 18, 2025 hearing. Exhibit 5. In response to the explanation of the Appellant's representative, the Director of the Board of Hearings allowed the appeal to be rescheduled, for good cause shown. Exhibit 3.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 520.026, in determining that the Appellant owes a monthly PPA of \$1,843.20.

Summary of Evidence

The hearing was held by telephone. The MassHealth representative testified that the Appellant is an adult over the age of 65 who is not married and who resides in a nursing facility. The MassHealth representative testified that the Appellant's PPA had previously been \$549.00 per month, starting [REDACTED], and ending on September 30, 2025. The MassHealth representative testified that the Appellant's PPA changed, because he previously was allocated a home maintenance allowance of \$1,305.00 per month, because he was initially considered short-term, but that ended with the September 22, 2025 notice. The MassHealth representative explained that the Appellant's gross Social Security income of \$1,927.00 minus \$72.80 for a personal needs deduction, results in a PPA of \$1,843.20. The MassHealth representative explained that because the Appellant has MassHealth Standard, his prescriptions and other services at the facility, including his food, are paid for by MassHealth. The MassHealth representative explained that the facility should not be issuing separate bills for the Appellant besides the PPA. The MassHealth representative testified that she had not received the supporting materials that the Appellant included as part of the fair hearing request.

The Appellant was represented by his daughter-in-law and she verified the Appellant's identity. She testified that she has been paying the Appellant's bills, because for an extended period after the Appellant's stroke, he was unable to access his bank account. The Appellant's representative testified that the Appellant will not eat the food provided at the facility and that she and her husband have to bring in food daily, which costs approximately \$35.00 per day. The Appellant's representative testified that she worries for the Appellant's health if he stops eating and starves himself. The Appellant's representative also testified that she had paid for the Appellant's medications through [REDACTED]. The Appellant's representative testified that she was concerned for how the Appellant would afford necessary expenses, like his clothing, or funeral and burial expenses if the Appellant died.

The record was held open until January 16, 2026, for the MassHealth representative to review the materials the Appellant had submitted as part of his fair hearing request and provide a response. Exhibit 6. The MassHealth representative responded:

Thank you for the documents. Review of these documents and a conference with management do no[t] change the position of MassHealth. As I stated on the record the day of the hearing, [the Appellant's son and daughter-in-law] should reimburse themselves for any of the PPAs paid out of their pocket for [Appellant] prior to having

access to his bank account. It is important that detailed receipts for the reimbursements are kept for future reference. Any medical expenses moving forward, in which [Appellant] receives a bill should be resubmitted to Medicare and MassHealth, as he [has] coverage by both. He should not be paying for any medical expenses, medications, or prescriptions. Regarding the food delivery expenses they have incurred, once his PPAs are paid up to date, if there are funds left over they may reimburse themselves, but generally speaking he is responsible for any food deliveries, as the nursing home costs include food for [Appellant].

Exhibit 7 at 1.

Findings of Fact

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

1. The Appellant is an adult over the age of 65, who is not married and who resides in a nursing facility. Testimony and Exhibit 4.
2. The Appellant's gross monthly income is \$1,927.00 from Social Security. Testimony.
3. The Appellant's PPA was \$549.00 from [REDACTED], to September 30, 2025, based on deducting a \$72.80 personal needs allowance, and a \$1,305.00 home maintenance allowance, from his gross monthly income. Testimony.
4. On September 22, 2025, MassHealth notified the Appellant that his PPA was changing to \$1,843.20 per month on October 1, 2025, based on a \$72.80 personal needs allowance deduction from his gross income of \$1,927.00. Testimony, Exhibit 1.
5. On October 21, 2025, the Appellant filed a timely appeal with the Board of Hearings. Exhibit 2.
6. The Appellant was admitted to a nursing facility in [REDACTED].

Analysis and Conclusions of Law

MassHealth's regulations define a medical institution as a facility public or private "providing acute, chronic, or long-term care, unless otherwise defined within 130 CMR 515.000 through 522.000: *Other Division Programs*. This includes acute inpatient hospitals, licensed nursing facilities, state schools, public or private institutions for mental diseases, freestanding hospices, and chronic-disease and rehabilitation hospitals." 130 CMR 515.001.

An individual is considered institutionalized for MassHealth purposes if he or she is placed in one

or more medical institutions where the placement lasts or is expected to last for a continuous period of at least 30 days. 130 CMR 515.001. Members in a long-term-care facility must contribute to the cost of care under the laws of the Commonwealth of Massachusetts; this contribution is referred to as the “patient-paid amount” or PPA. 130 CMR 515.001.

Institutionalized members of MassHealth are not subject to a countable income limit but are required to pay a portion of their income to the nursing facility (minus specific deductions set forth in 130 CMR 520.026). 130 CMR 520.009(A)(3).

Pursuant to 130 CMR 520.026, the following applies for long-term care general income deductions:

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.

(A) Personal-needs Allowance.

(1) The MassHealth agency deducts \$72.80 for a long-term-care resident's personal-needs allowance (PNA).

(2) If an individual does not have income totaling the standard, the MassHealth agency will pay the individual an amount up to that standard on a monthly basis. (3) The PNA for SSI recipients is \$72.80.

....

(D) Deductions for Maintenance of a Former Home.

(1) The MassHealth agency allows a deduction for maintenance of a home when a competent medical authority certifies in writing that a single individual, with no eligible dependents in the home, is likely to return home within six months after the month of admission. **This income deduction terminates at the end of the sixth month after the month of admission regardless of the prognosis to return home at that time.**

(2) The amount deducted is the 100% federal poverty level income standard for one person.

130 CMR 520.026(D) (emphasis added)

The Appellant did not dispute MassHealth’s determination of his countable income. Based on the testimony at hearing, the Appellant was correctly allocated a “maintenance of a former home deduction” in the calculation of his PPA for six months from [REDACTED], to September 30, 2025. 130 CMR 520.026(D)(1); however, pursuant to the cited regulation, that deduction ended at the end of the sixth month following his month of admission. I am sorry for the Appellant’s situation and the

concerns of his representative about his refusal to eat the food provided by the facility. However, MassHealth correctly determined the Appellant's PPA and 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.

Emily Sabo
Hearing Officer
Board of Hearings


cc: MassHealth Representative: Justine Ferreira, Taunton MassHealth Enrollment Center, 21 Spring St., Ste. 4, Taunton, MA 02780