

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Approved in part; Denied in part	Appeal Number:	2515991
Decision Date:	12/29/2025	Hearing Date:	December 02, 2025
Hearing Officer:	Brook Padgett		

Appearance for Appellant:



Appearance for MassHealth:

Lindsay Gallant, Taunton MEC



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

APPEAL DECISION

Appeal Decision:	Approved in part; Denied in part	Issue:	Long-Term Care; Patient-Paid Amount
Decision Date:	12/29/2025	Hearing Date:	December 02, 2025
MassHealth's Rep.:	L. Gallant	Appellant's Rep.:	[REDACTED]
Hearing Location:	Board of Hearings (Remote)		

Authority

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

Jurisdiction

The appellant received a notice dated October 07, 2025 stating there has been a change in their Patient-Paid Amount (PPA). Because of a change in circumstances your PPA will go from \$0.00 to \$3,757.73 on July 01, 2025. (Exhibit 1). The appellant filed a timely appeal on October 30, 2025 (Exhibit 2). Determination of a patient-paid amount is a valid basis for appeal (130 CMR 610.032).

Action Taken by MassHealth

MassHealth notified the appellant that her PPA will go from \$0.00 to \$3,757.73 on July 01, 2025

Issue

Is the community spouse entitled to a higher spousal maintenance needs allowance, which would further reduce the patient-paid amount (PPA).

Summary of Evidence

The MassHealth representative appeared telephonically and testified to the following: MassHealth received the appellant's application on June 02, 2025 and an approval notice was issued on July 16, 2025 with an effective start date of May 02, 2025. The appellant's PPA from May 02, 2025 through June 30, 2025 was calculated to be \$3,470.73 which included an SMNA allowance. The appellant's spouse passed away on [REDACTED] and MassHealth issued a new PPA for July 2025 for \$3,757.73. The appellant appealed this determination and following an appeal on September 10, 2025, the PPA was adjusted to \$0.00 for the months of May and June 2025 to reflect medical bills incurred by the community spouse prior to his passing. On October 07, 2025 MassHealth issued a new PPA for July 2025 for \$3,757.73. MassHealth indicated the only current allowable deductions are \$72.80 for the appellant's Personal Needs Allowance (PNA), home maintenance, and health insurance:

MassHealth adjusted the appellant's PPA beginning August 2025 and calculated a new PPA of \$3,757.73. (Exhibit 10).

The appellant's PPA was calculated as follows:

Social Security Income	\$ 878.00
Private Pension Income	\$ 4,360.25
Total Income	\$ 5,238.25
PNA Allowance	\$ 72.80
Maintenance of the Home	\$ 1,305.00
Health Insurance Allowance	\$ 102.72
Total Deductions	\$ 1,480.52
Total Income	\$ 5,238.25
Total Deductions	\$ 1,480.52
PPA	\$ 3,757.73

The appellant's attorney appeared telephonically on the appellant's behalf and argued the appellant received a reduction in the PPA for May and June 2025 after consideration of the community spouses medical bills. The appellant is requesting that a similar deduction be granted for medical bills incurred in the month of July prior to the death of the community spouse on [REDACTED]. The appellant's attorney submitted two in-home care company invoices:

July 01, 2025 through July 04, 2025: \$1,012.00 and
July 05, 2025 through July 11, 2025: \$1,848.00 (Exhibit 5).

The appellant's representative submitted the appellant's previous MMMNA and PPA calculation:

MMMNA/SMNA

Rent/mortgage	\$1,139.00
Property taxes and insurance	\$ 857.00
Required condo/coop maintenance charge	\$ 0.00
Food Stamp Allowance	\$ 890.00
<u>Utility allowance</u>	<u>\$ 0.00</u>
Total shelter costs	\$2,886.00
<u>Standard Shelter Expense</u>	<u>\$ -793.13</u>
Total Shelter Expense	\$2,092.87
<u>Standard Maintenance Allowance</u>	<u>\$2,643.75</u>
Total	\$4,736.62 ¹
Maximum MMMNA allowed under regs	\$ 3,948.00
<u>Spousal Income</u>	<u>\$- 2,356.00</u>
Spousal Maintenance Needs Deduction	\$ 1,592.00

PPA:

Social Security Income	\$ 878.00
<u>Private Pension Income</u>	<u>\$ 4,360.25</u>
Total Income	\$ 5,238.25
PNA Allowance	\$ - 72.80
Spousal Allowance	\$ - 1,592.00
<u>Health Insurance Allowance</u>	<u>\$ - 102.72</u>
PPA	\$ 3,470.73

The Community Spouse has income of \$2,356.00 and assets of:

Life Insurance: \$449.40 as of December 31, 2024;
Bank Account: \$148,294.37 as of June 30, 2025;
Bank Account: \$5.38 as of June 30, 2025;
Bank Account: \$1,397.11 as of June 08, 2025 (Joint Account with appellant);
Bank Account: \$100.04 as of June 30, 2025 (Joint Account with appellant).

The appellant's assets show the total interest gained for 2024 for the cash surrender value of the

¹ The maximum Minimum Monthly Maintenance Needs Allowance (MMMNA) pursuant to MassHealth regulations is \$3,948.00. (130 CMR 520.026).

spouse's life insurance policy was \$37.83, which averages out to \$3.15 a month. The various bank accounts accrued a total of \$2.22 in interest per month. The appellant spouse's monthly interest income averages \$5.37 per month. (Exhibit 5).

Findings of Fact

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

1. MassHealth received a notice of a change of her PPA October 07, 2025 from \$0.00 to \$3,757.73 starting July 01, 2025. (Exhibit 1).
2. The appellant's PPA from May 02, 2025 through June 30, 2025 was reduced from \$3,470.73 to \$0.00 due to an appeal which allowed the deduction of the Community Spouse's medical bills. (Exhibit 5).
3. The appellant's spouse passed away on [REDACTED] (Testimony).
4. Community Spouse's income for July 2025 was \$2,356.90. (Exhibit 5 and Testimony).
5. The Community Spouse's asset interest income for July 2025 was \$5.37. (Exhibit 5 and Testimony).
6. The Community Spouse's total income for July 2025 was \$2,362.27. (Exhibit 5 and Testimony).
7. The Community Spouse received in-home care for his medical conditions for the month of July 2025 at a cost of \$2,860.00. (Exhibit 6).
8. The Community Spouse requires an additional \$2,860.00 to reflect the exceptional circumstances of in home medical care for July.

Analysis and Conclusions of Law

At issue in this case is whether, pursuant to 130 CMR 520.017(D), the appellant's spouse qualifies to have his spousal allowance increased beyond the regulatory maximum due to "exceptional circumstances," defined in relevant part as follows:

- (1) Exceptional Circumstances. Exceptional circumstances exist when there are circumstances other than those already taken into account in establishing the maintenance standards for the community spouse under 130 CMR 520.026(B) and these circumstances result in significant financial duress. Since the federal standards used in

calculating the MMMNA cover such necessities as food, shelter, clothing, and utilities, exceptional circumstances are limited to those necessities that arise from the medical condition, frailty, or similar special needs of the community spouse. Such necessities include, but are not limited to, special remedial and support services and extraordinary uncovered medical expenses. Such expenses generally do not include car payments, even if the car is used for transportation to medical appointments, or home-maintenance expenses such as security systems and lawn care.

- (a) In determining an increased MMMNA, the fair hearing officer will ensure that no expense (for example, for food or utilities) is counted more than once in the calculation.
 - (b) If the community spouse lives in an assisted-living facility or similar facility and requests an increase in his or her minimum-monthly-maintenance-needs allowance, the fair hearing officer will review the housing agreement, service plan, fee schedule, and other pertinent documents to determine whether exceptional circumstances exist. Additional amounts will be allowed only for specific expenses necessitated by exceptional circumstances of the community spouse and not for maintaining any pre-set standard of living.
- (2) Determination of Increase for Exceptional Circumstances. If the fair hearing officer determines that exceptional circumstances exist, the fair hearing officer may increase the community spouse's MMMNA to meet the expenses caused by the exceptional circumstances as follows.
- (a) The fair hearing officer will first verify that the calculation of the gross income of the community spouse in determining the existing spousal-maintenance-needs deduction includes the income generated by the community spouse's asset allowance. If the community spouse has no assets remaining from the allowance, he or she must verify the dollar amount of the remaining assets, if any, and how the money was spent. The fair hearing officer will consider how the assets were spent in determining whether or not significant financial duress exists.
 - (b) The fair hearing officer will determine the revised MMMNA by including in the calculation the amount needed to meet the exceptional circumstances.
 - (c) The fair hearing officer will compare the revised MMMNA to the community spouse's total income. If the community spouse's total income is less than the amount of the revised MMMNA, the fair hearing officer will first deduct the personal needs allowance from the institutionalized spouse's countable income amount and then a spousal-maintenance-needs deduction needed to reach the

revised MMMNA.

The appellant provided the monthly bills in the amount of \$2,860.00 for in-home care provided to the spouse by in-home care providers for the month of July 2025 prior to the Community Spouse's death. Medically necessary in-home medical care falls within the definition of exceptional circumstances under 130 CMR 520.017(D).

When these medical expenses of \$2,860.00 are added to the maximum MMMNA of \$3,948.00, the Community Spouse's revised MMMNA is \$6,808.00 for July 2025. The Community Spouse's income of \$2,362.27 (including asset interest income) is insufficient to meet the revised MMMNA of \$6,808.00, and thus the Community Spouse's has shown that these circumstances result in significant financial duress.

The Community Spouse's requires an additional \$4,446.63 (\$6,808.00 - \$2,362.27) to meet the revised MMMNA. Per 130 CMR 515.001, a PPA is the amount that a member in a long-term-care facility must contribute to the cost of care under the laws of the Commonwealth of Massachusetts. Per 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. The appellant's income totals \$5,238.25. After subtracting his personal-needs allowance of \$72.80, the remaining available income is \$5,165.45. After subtracting the SMNA of \$4,446.63, the remaining available income is \$718.82. After subtracting the health insurance premium of \$102.72, the remaining amount is \$616.10.

The appeal is approved in part to adjust the appellant's PPA for month of July 2025 from \$3,470.73 to \$616.10 for the month of July 2025.

Order for MassHealth

Adjust the PPA to \$616.10 for July 2025.

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.

Implementation of this Decision

If this decision is not implemented within 30 days after the date of this decision, you should contact your MassHealth Enrollment Center. If you experience problems with the implementation of this decision, you should report this in writing to the Director of the Board of Hearings, at the address on the first page of this decision.

Brook Padgett
Hearing Officer
Board of Hearings

cc:

Taunton MEC

