


**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2516035
Decision Date:	12/17/2025	Hearing Date:	12/01/2025
Hearing Officer:	Christopher Jones	Record Open to:	12/15/2025

Appearance for Appellant:

 – Appeal Rep.

Appearance for MassHealth:

Maria Piedade – Taunton Conversion



*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; Assets
Decision Date:	12/17/2025	Hearing Date:	12/01/2025
MassHealth's Rep.:	Maria Piedade	Appellant's Rep.:	██████████
Hearing Location:	Telephonic	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 3, 2025, MassHealth denied the appellant's application for long-term care benefits because the appellant had more countable assets than MassHealth benefits allow. (Exhibit 1; 130 CMR 520.003.) The appellant filed this appeal in a timely manner on October 31, 2025. (Exhibit 2; 130 CMR 610.015(B).) Denial of assistance is valid grounds for appeal. (130 CMR 610.032.)

Following the hearing, the record was held open until December 15, 2025, for the appellant to receive their birth certificate to allow them to close out their financial accounts. If the appellant did not receive their birth certificate, they were to "submit proof of when the request for the certificate was submitted, documentation showing follow up regarding the request, and an expected receipt date." (Exhibit 5.)

Action Taken by MassHealth

MassHealth denied the appellant's long-term care application for excess assets.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 520.003, in determining that the appellant had assets in excess of programmatic limits.

Summary of Evidence

The appellant is under the age of 65, and she was covered by MassHealth in the community. The appellant entered the nursing facility in the fall of 2024, and she was initially covered as a short-term resident. In April 2025, the appellant submitted a conversion application to become eligible for long-term care benefits. On April 15, 2025, MassHealth sent out a request for information, and the application was denied on May 21, 2025, for missing verifications. An appeal was filed and following a record open extension of that appeal, the appellant provided the information needed for MassHealth to determine eligibility.

Amongst the verifications submitted were bank statements showing the appellant's bank account had \$15,876.84, a life insurance policy worth \$1,902.62 if surrendered, and a personal-needs allowance (PNA) account at the nursing facility with \$1. On October 3, 2025, MassHealth mailed out a denial notice because the appellant had \$15,780.46 in excess assets.

At the hearing on December 1, 2025, the appellant's representative explained that the appellant's bank was requesting 2 forms of identification to close out her account. She testified that a copy of the appellant's birth certificate was requested in early November by the previous business office manager at the nursing facility. The appellant's representative expected the birth certificate to be delivered within 5-6 weeks of the request date. Once they had the birth certificate, they would close out the appellant's bank account, which would put her below \$2,000. The appellant's representative averred that she had confirmation of the request for the birth certificate, but it had not yet been submitted into the hearing record. No other steps had been taken to otherwise reduce the appellant's assets, and the appellant's representative testified that the appellant did not owe a balance to the nursing facility.

The hearing record was held open until December 15, 2025, as it was expected the birth certificate would be received within that time. If the appellant had not received the birth certificate, they were required to "submit proof of when the request for the certificate was submitted, **documentation showing follow up regarding the request, and an expected receipt date.**" (Exhibit 5, p. 11 (emphasis added).) On December 11, 2025, the appellant's representative requested an indefinite extension, stating "birth certificates typically take about two weeks to process, we submitted the request on October 18 (I've forwarded the confirmation) and have still not received anything. We believe this delay may be related to the government shutdown and hope our request will be processed soon." (Exhibit 5, p. 10.) This email did not attach the confirmation of the request. On December 12, 2025, the appellant's representative was asked to resubmit the confirmation, and they were further asked if they had reached out to the government agency from which the birth certificate had been requested, and if so, what was their estimated timeline for receipt.

On December 15, 2025, the appellant's representative forwarded an email from a colleague. This email was sent on December 1, 2025, and it forwarded another email from vitalrecordsonline.com

confirming that a birth certificate had been requested on October 18, 2025. (Exhibit 5, pp. 6-9.) The appellant's representative was asked to confirm what steps had been taken since the hearing to confirm the status of the birth certificate request. The appellant's representative responded that they had requested the birth certificate on October 18, and that since "the hearing, we've been following up on the birth certificate. Not sure what else we can do as this is being held up by bureaucracy." (Exhibit 5, pp. 3-5.)

The appellant's representative was again asked to clarify how she had been "following up on the birth certificate." The appellant's representative responded: "Sorry about that - the Business office manager who requested goes through the website that she ordered it on. It's called Vital Records, The [sic] website says 6-8 weeks. This is week 8." (Exhibit 5, p. 2.) The appellant's requested extension was denied.

Findings of Fact

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

- 1) The appellant submitted a long-term care conversion application in April 2025. This application was initially denied for missing verifications. This denial was resolved following an appeal with a record open extension. (Testimony by MassHealth's representative.)
- 2) The appellant has a bank account with \$15,876.84, a life insurance policy with a cash-surrender value of \$1,902.62, and a PNA account at the nursing facility with \$1. (Testimony by MassHealth's representative.)
- 3) On October 3, 2025, MassHealth denied the conversion application based upon \$15,780.46 in excess assets. (Exhibit 1.)
- 4) At the hearing on December 1, 2025, the appellant's representative testified that the appellant's bank required 2 forms of identification to close the account. The appellant's representative requested a 2-week extension to allow 6 weeks to have passed since the request had been submitted. (Testimony by the appellant's representative.)
- 5) The appellant hearing record was kept open until December 15, 2025, to confirm receipt of the birth certificate, or "submit proof of when the request for the certificate was submitted, documentation showing follow up regarding the request, and an expected receipt date." (Exhibit 5, p. 11.)
- 6) On December 15, 2025, the appellant submitted proof that a birth certificate had been requested on October 18, 2025. The appellant's representative has not reached out to anyone in an effort to identify the status of this request for the birth certificate. (Exhibit 5.)

Analysis and Conclusions of Law

The purpose of Medicaid is to provide medical assistance to those “whose income and resources are insufficient to meet the costs of necessary medical services.” (42 USC § 1396-1.) An individual applying for MassHealth long-term care benefits must have countable assets below \$2,000. (130 CMR 520.003(A).) Countable assets includes “assets to which the applicant or member ... would be entitled whether or not these assets are actually received when failure to receive such assets results from the action or inaction of the applicant, member, spouse, or person acting on his or her behalf.” (130 CMR 520.007.) This specifically includes assets held in a bank account. (130 CMR 520.007(B).)

The appellant continues to have assets in excess of \$2,000. Therefore, 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.

Christopher Jones
Hearing Officer
Board of Hearings

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