

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Approved in part; Denied in part	<b>Appeal Number:</b>	2516289
<b>Decision Date:</b>	2/11/2026	<b>Hearing Date:</b>	12/03/2025
<b>Hearing Officer:</b>	Alexandra Shube	<b>Record Open to:</b>	01/05/2026

**Appearance for Appellant:**

*Via telephone:*



**Appearance for MassHealth:**

*Via telephone:*

Jamie Lapa, Springfield 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

<b>Appeal Decision:</b>	Approved in part; Denied in part	<b>Issue:</b>	LTC; PPA; SMNA; MMMNA
<b>Decision Date:</b>	2/11/2026	<b>Hearing Date:</b>	12/03/2025
<b>MassHealth's Rep.:</b>	Jamie Lapa	<b>Appellant's Rep.:</b>	Spouse; BOM
<b>Hearing Location:</b>	Springfield MassHealth Enrollment Center, Remote	<b>Aid Pending:</b>	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 9, 2025, MassHealth informed the appellant that he was approved for MassHealth long-term care benefits with a monthly Patient Paid Amount (PPA) of \$2,725.86 beginning March 1, 2025 (Exhibit 1). The appellant filed this appeal in a timely manner on October 28, 2025 (see 130 CMR 610.015(B) and Exhibit 2). A challenge to the PPA is valid grounds for appeal (see 130 CMR 610.032).

The record in the appeal was held open to allow the appellant to submit additional information. Initially, the appellant was given until January 2, 2026 and MassHealth, until January 16, 2026; however, all information was submitted and reviewed by December 4, 2025 and communications closed on January 5, 2026.

### Action Taken by MassHealth

MassHealth notified the appellant that he was approved for MassHealth long-term care benefits with a monthly PPA of \$2,725.86.

## Issue

The appeal issues are whether MassHealth was correct in determining the appellant's PPA and whether the community spouse is entitled to increased support from the appellant through a reduction in the PPA, pursuant to 130 CMR 520.017(D).

## Summary of Evidence

The MassHealth representative appeared at hearing via telephone and testified as follows: on April 30, 2025, MassHealth received an application for long-term care on behalf of the appellant, who is over the age of 65 and a resident of a nursing facility with a spouse in the community. MassHealth used the income and home expenses submitted during the application process to determine the Patient Paid Amount (PPA) and Spousal Maintenance Needs Allowance (SMNA). The PPA was calculated at \$2,725.86 based on the following income for the appellant: Social Security income of \$2,096, a pension of \$504.04, and income from an annuity of \$383.62 for a total monthly income of \$2,983.66. MassHealth deducted the appellant's Personal Needs Allowance (PNA) of \$72.80 and Medicare premiums (\$185) resulting in a PPA of \$2,725.86. The appellant's community spouse was not entitled to a Spousal Maintenance Needs Allowance (SMNA) because her income was too high.

The community spouse's monthly income was \$6,279.35, comprised of Social Security income of \$2,117.00, working income of \$2,619.80, and unemployment of \$1,542.55 (\$356 per week). The community spouse's Minimum Monthly Maintenance Needs Allowance (MMMNA) was calculated as follows: \$1,281.94 (rent/mortgage) + \$890 (food stamp utility allowance when paying for utilities) = \$2,171.94 (total shelter expenses) – \$793.13 (standard deduction for Community Spouse Monthly Housing Allowance) + \$2,643.75 (standard for MMMNA) = \$4,022.56 (MMMNA).<sup>1</sup> MassHealth reverted to the cap (the Maximum Monthly Maintenance Needs Allowance) of \$3,948.00 from which it deducted the community spouse's gross monthly income (\$6,279.35) to arrive at an SMNA of \$0 because the community spouse's income was greater than the Maximum Monthly Maintenance Needs Allowance.

The MassHealth representative testified that on October 9, 2025 she received a letter from the appellant's spouse stating she stopped working as of [REDACTED] 2025. MassHealth will need an updated unemployment statement because the unemployment amount previously reported was prior to the appellant being laid off. Additionally, the appellant's spouse reported that there is a disabled adult child living in the house. For MassHealth to consider the adult child as part of the household, MassHealth needs a copy of the Federal 1040 for 2024 showing that the child is being

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<sup>1</sup> The standards used for the MMMNA and Community Spouse Monthly Housing Allowance were based on the 2025 SSI and Spousal Impoverishment Standards published on May 28, 2025. See <https://www.medicaid.gov/federal-policy-guidance/downloads/cib05282025.pdf>, last visited February 9, 2026.

claimed as a tax dependent, a copy of the birth certificate or adoption record proving the relationship, and proof of the child's income.

The appellant was represented at hearing by his spouse and the business office manager from the facility. His spouse stated that she didn't think her adult child received any income, but she would find out. Even though she has stopped working completely as of [REDACTED] 2025, her unemployment benefit remains at \$356 per week. She is looking for an adjustment in the PPA and SMNA to help with her monthly bills and support of her disabled adult child. According to documentation submitted by the appellant prior to hearing, for 2025 she paid property taxes of \$820.02 quarterly. She also submitted her mortgage statement, oil bills, and electric bills.

MassHealth clarified that it did not take additional real estate taxes into account because escrow (tax/insurance) is included in the mortgage statement. MassHealth records indicate that the adult child was receiving Social Security income at some point. If she is no longer receiving that income, MassHealth would need a letter from Social Security indicating that those payments have stopped. Once she receives proof of the child's income and updated unemployment information from the spouse, she can recalculate the SMNA, as well as the Family Maintenance Needs Allowance (FMNA), and see which one is more beneficial for the appellant and his spouse.

The record was held open until January 2, 2026 for the appellant to supply the additional income verification and until January 16, 2026 for MassHealth to review and respond. The record open form was provided via email to the MassHealth representative and the business officer manager, who would be in communication with the spouse. On December 3, 2025, the business officer manager submitted the spouse's most recent unemployment statement. On December 4, 2025, the MassHealth representative responded that she was able to verify the adult child's Social Security income electronically (\$731 gross monthly). The MassHealth representative reported that she was able to update the appellant's PPA as follows: beginning March 2025, \$1,704.66 per month and beginning October 2025, \$1,601.21 per month (after ending the spouse's working income). The MassHealth representative explained that these calculations included the daughter as part of the household. She did calculations without including the daughter in the household, but it resulted in higher PPAs, so it was more beneficial to include her.

On December 4, 2025, this hearing officer emailed parties to see if this satisfactorily resolved the issue for the appellant and his spouse or if the appellant wanted to proceed with a written decision. There was no response from the appellant's representative and this hearing officer emailed parties again on December 15, 2025. Again, there was no response from the appellant's representative and this hearing officer emailed parties on January 5, 2026. The business office manager responded on January 5, 2026 that the appellant's spouse's concerns with the PPA adjustment were not met. The hearing officer responded that she would proceed with a written decision. In response, the business office manager stated that the spouse would like additional time, although she did not explain why the additional time was necessary. This hearing officer explained that the record had been left open for the appellant until January 2 to provide additional

information. That information had been provided on December 3 and MassHealth had promptly reviewed on December 4. This hearing officer had reached out repeatedly to the appellant's representative without any response, the due date had passed, and the request for additional time was denied. Further, it was not clear why additional time was needed as the requested verifications had been submitted.

At the request of the hearing officer, the MassHealth representative provided updated PPA and SMNA calculations. She noted that she had previously included the annuity as the appellant's income; however, the annuity itself is a countable asset, so she removed it as income.

MassHealth calculated the appellant's monthly PPA beginning March 2025 as follows: Social Security income of \$1,911<sup>2</sup> and a pension of \$504.04 for a total monthly income of \$2,415.04. MassHealth deducted the appellant's PNA of \$72.80 and the FMNA (\$637.58) resulting in a PPA of \$1,704.66 effective March 2025. The spouse's income remained the same as calculated above during this period as she did not stop work until October 9, 2025. The FMNA was calculated as follows: \$2,643.75 (standard allowance) - \$731 (adult child's gross monthly income) = \$1,912.75 X (1/3) = \$637.58.

MassHealth calculated the appellant's monthly PPA beginning October 2025 as follows: Social Security income of \$2,096 and a pension of \$504.04 for a total monthly income of \$2,600.04. MassHealth deducted the appellant's PNA of \$72.80, SMNA (\$288.45), and the FMNA (\$637.58) resulting in a PPA of \$1,601.21 effective October 2025. The community spouse's monthly income was \$3,659.55, comprised of Social Security income of \$2,117.00 and unemployment of \$1,542.55 (\$356 per week). The community spouse's MMMNA remained the same at \$4,022.56. MassHealth reverted to the cap (the Maximum Monthly Maintenance Needs Allowance) of \$3,948.00 from which it deducted the community spouse's gross monthly income (\$3,659.55) to arrive at an SMNA of \$288.45. The FMNA remained unchanged at \$637.58.

## Findings of Fact

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

1. On April 30, 2025, MassHealth received an application for long-term care on behalf of the appellant, who is over the age of 65 and a resident of a nursing facility with a spouse in the community (Testimony and Exhibit 5).

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<sup>2</sup> Due to MassHealth mistakenly adding in the annuity as income, the appellant was over the income limit for the Medicare Buy-In at this time. Thus, in this calculation MassHealth subtracted \$185 for Medicare expenses from the appellant's Social Security income of \$2,096 to arrive at \$1,911. By October 2025, when the PPA was recalculated due to the spouse no longer working, the Buy-In was in effect and MassHealth did not need to deduct \$185 for Medicare expenses.

2. On October 9, 2025, MassHealth approved the appellant for long-term care with a monthly PPA of \$2,725.86 beginning March 2025 (Testimony and Exhibit1).
3. On October 28, 2025, the appellant timely appealed the approval notice (Exhibit 2).
4. At the time of the notice, MassHealth calculated the appellant's income as follows: Social Security income of \$2,096, a pension of \$504.04, and income from an annuity of \$383.62 for a total monthly income of \$2,983.66; however, it was corrected during the record open period to eliminate the annuity which is a countable asset (Testimony and Exhibit 7).
5. In its October 9, 2025 notice, the PPA was calculated as follows: \$2,983.66 (the appellant's gross monthly income) – \$72.80 (PNA) – \$185 (Medicare premiums) = \$2,725.86 (Testimony and Exhibits 1 and 5).
6. Based on available information at the time of the application, the community spouse's income was \$6,279.35, comprised of Social Security income of \$2,117.00, working income of \$2,619.80, and unemployment of \$1,542.55 (\$356 per week) (Testimony and Exhibit 5).
7. The community spouse's Minimum Monthly Maintenance Needs Allowance (MMMNA) was calculated as follows: \$1,281.94 (rent/mortgage) + \$890 (food stamp utility allowance when paying for utilities) = \$2,171.94 (total shelter expenses) – \$793.13 (standard deduction for Community Spouse Monthly Housing Allowance) + \$2,643.75 (standard for MMMNA) = \$4,022.56 (Testimony and Exhibit 5).
8. Because the community spouse's income was greater than the Maximum Monthly Maintenance Needs Allowance of \$3,948, there was no SMNA (Testimony and Exhibits 1 and 5).
9. On October 9, 2025, the appellant's spouse informed MassHealth that she was no longer receiving income from her job as of [REDACTED] 2025 (only unemployment) and there is an adult disabled child in the household (Testimony)
10. The community spouse was looking for an adjustment in the PPA and SMNA to help with her monthly bills and support of her disabled adult child (Testimony and Exhibit 2).
11. MassHealth required an updated unemployment statement and a copy of the Federal 1040 for 2024 showing that the adult disabled child is being claimed as a tax dependent, a copy of the birth certificate or adoption record proving the relationship, and proof of the child's income (Testimony).
12. The record was held open until January 2, 2026 for the appellant to supply the additional income verification and until January 16, 2026 for MassHealth to review and respond;

however, all information was submitted and reviewed by December 4, 2025 and communications closed on January 5, 2026 (Testimony and Exhibits 6 and 7).

13. A request from the appellant for an extension received on January 5, 2026 was denied because it was not timely and the requested verifications had already been submitted (Exhibit 7).
14. Based on information received during the record open period, MassHealth updated the appellant's income and PPA as follows: Social Security of \$1,911 (\$2,096 - \$185 for Medicare) and a pension of \$504.04 for a total monthly income of \$2,415.04. MassHealth deducted the appellant's PNA of \$72.80 and the FMNA (\$637.58) resulting in a **PPA of \$1,704.66 effective March 2025**.
15. The spouse's income remained the same (\$6,279.35) during this period as she did not stop work until October 9, 2025 (Exhibit 7).
16. The **FMNA** was calculated as follows: \$2,643.75 (standard allowance) - \$731 (adult child's gross monthly income) = \$1,912.75 X (1/3) = **\$637.58** (Exhibit 7).
17. MassHealth recalculated the appellant's PPA, SMNA, and FMNA beginning October 2025 to reflect changes in income for both the appellant and community spouse (Exhibit 7).
18. His income and PPA were calculated as follows: Social Security income of \$2,096 (the gross amount because the Medicare Buy-In became active) and a pension of \$504.04 for a total monthly income of \$2,600.04. MassHealth deducted the appellant's PNA of \$72.80, SMNA (\$288.45), and the FMNA (\$637.58) resulting in a **PPA of \$1,601.21 effective October 2025** (Exhibit 7).
19. The community spouse's monthly income was adjusted to \$3,659.55, comprised of Social Security income of \$2,117.00 and unemployment of \$1,542.55 (\$356 per week). The community spouse's MMMNA remained the same at \$4,022.56. MassHealth reverted to the cap (the Maximum Monthly Maintenance Needs Allowance) of \$3,948.00 from which it deducted the community spouse's gross monthly income (\$3,659.55) to arrive at an **SMNA of \$288.45**. (Exhibit 7).
20. The FMNA remained unchanged at \$637.58. (Exhibit 7).

## Analysis and Conclusions of Law

In determining a member's PPA, MassHealth regulations require that deductions be made from the member's income "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." See 130 CMR 520.026. The amount for the personal-needs allowance is set at \$72.80.

MassHealth calculates the Minimum Monthly Maintenance Needs Allowance (MMMNA) to determine the amount needed by the community spouse to remain in the community. This amount is based on a calculation that includes the community spouse's shelter and utility costs in addition to certain federal standards. (130 CMR 520.017(B)).

Pursuant to the provisions of 130 CMR 520.017(D), the fair hearing officer may substitute for the MMMNA a new amount to meet the expenses of the community spouse. This substitution may be performed *only when the community spouse has shown that the requested increase in the spousal maintenance needs allowance is based upon exceptional circumstances.*

The applicable regulation provides as follows:

Adjustment to the Minimum-Monthly-Maintenance-Needs Allowance Due to Exceptional Circumstances. After the institutionalized spouse has received notice of either approval or denial for MassHealth Standard, either spouse may appeal to the Board of Hearings the calculation of income available to the community spouse and request an increase in the MMMNA, based on exceptional circumstances, as defined in 130 CMR 520.017(D)(1).

(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 (130 CMR 520.017(D)).

(Emphasis added).

Exceptional circumstances exist when the community spouse has expenses (not already taken into account) that arise from a medical condition or frailty, or other special need and those circumstances result in significant financial duress. The applicable regulation provides that special remedial and support services and extraordinary uncovered medical expenses are examples of such expenses. (130 CMR 520.017(D)(1)). The appellant did not demonstrate that

the community spouse has any on-going expenses that arise from her medical condition, frailty, or other special need, nor has he shown significant financial distress. For these reasons, the appellant has not met the criteria for exceptional circumstances.

MassHealth has adjusted the calculation errors in the October 9, 2025 notice. During the record open period, MassHealth correctly redetermined the appellant's PPA (\$1,704.66 effective March 2025 and \$1,601.21 effective October 2025), SMNA (\$0 effective March 2025 and \$288.45 effective October 2025) and FMNA (\$637.58 effective March 2025) pursuant to the regulations and available documentation. Because the appellant has not shown that his community spouse's circumstances result in significant financial duress, exceptional circumstances do not exist and there should be no further adjustments at this time to the community spouse's SMNA, FMNA, or the appellant's PPA. (130 CMR 520.017(D)).<sup>3</sup>

For these reasons, the appeal is approved in part and denied in part.

## **Order for MassHealth**

Modify the October 9, 2025 determination of the PPA, spousal allowance, and family allowance in accordance with this decision and MassHealth's calculations made during the record open period.

## **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.

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<sup>3</sup> If there are changes to income in the future (for example, if unemployment income terminates for the appellant's spouse), the appellant and/or his spouse should update MassHealth who can redetermine the PPA and/or SMNA based on updated verifications; however, at this time there is no basis for any further adjustments to the PPA, SMNA, or FMNA.

## 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.

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Alexandra Shube  
Hearing Officer  
Board of Hearings

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MassHealth Representative: Dori Mathieu, Springfield MassHealth Enrollment Center, 243 Cottage Street, Springfield, MA 01104