

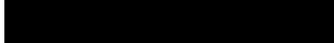
**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2517379
<b>Decision Date:</b>	02/12/2026	<b>Hearing Date:</b>	12/22/2025
<b>Hearing Officer:</b>	Christine Therrien		

**Appearance for Appellant:**



**Appearance for MassHealth:**

Riana Malik, Tewksbury, on behalf of  
Rhiannon Wojick, Tewksbury



*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>	Denied	<b>Issue:</b>	LTC – Coverage Start Date
<b>Decision Date:</b>	02/12/2026	<b>Hearing Date:</b>	12/22/2025
<b>MassHealth’s Rep.:</b>	Riana Malik	<b>Appellant’s Rep.:</b>	██████████
<b>Hearing Location:</b>	Tewksbury MassHealth Enrollment Center Telephonic		

## 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 10/28/25, MassHealth approved the appellant's application for MassHealth Long-Term Care benefits beginning 5/23/25 with a patient-paid amount (PPA) of \$1,459.92 a month. (130 CMR 520.026 and Exhibit 1). The appellant filed this appeal in a timely manner on 11/24/25. (130 CMR 610.015(B) and Exhibit 2). Determination of a start date is valid grounds for appeal (130 CMR 610.032).

## Action Taken by MassHealth

MassHealth determined a MassHealth start date of 5/23/25.

## Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 516.006, in determining the appellant’s LTC benefits start date of 5/23/25.

## Summary of Evidence

The appellant is [REDACTED] and was admitted to a LTC facility on [REDACTED]. The MassHealth representative testified that on 3/20/25, a LTC application was received with a requested 4/1/25 start date. The MassHealth representative testified that on 10/28/25, MassHealth issued an approval notice with a start date of 5/23/25. The MassHealth representative testified that on 4/1/25, the appellant's assets included:

Source	Date	Amount
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

The MassHealth representative testified that the appellant had a 1/3 ownership interest in the property where he resided when he was admitted to the facility. The MassHealth representative testified that on [REDACTED] the property was sold and the proceeds were deposited into the appellant's attorney's IOLTA account.<sup>1</sup> The MassHealth representative testified that on 5/23/25, a pooled trust was established. The MassHealth representative testified that MassHealth usually calculates a date of eligibility using a "Haley Calculation" which would have resulted in a start date of 12/23/25; however, in this case, MassHealth could provide the appellant with an earlier date by using the date the appellant's assets were reduced to be under the limit for LTC benefits.<sup>2</sup> As a result, MassHealth approved the appellant's benefits with a start date of 5/23/25, the date the appellant verified his assets were within the program guidelines. The MassHealth representative testified that the appellant did not have to create a pooled trust and could have used the proceeds from the property sale for his LTC, and that those proceeds were accessible to the appellant.

Total Countable Assets		\$195,354.87
Total Allowable Deductions	Private Payment 3/14/25 - 3/21/25	\$22,580.00
Remainder		\$172,774.87
Divided Private Pay Rate of \$650.00		265.80
Days of ineligibility		266
The appellant's eligible start date is 12/23/25 using the "Haley Calculation."		

The appellant's attorney argued that the assets held by the pooled trust, which was 1/3 legal interest in the real property where the appellant resided, should be considered legally inaccessible from 04/01/2025 through the date it became accessible on 5/23/25. The asset could not be spent down due to its inaccessibility during a legal proceeding.

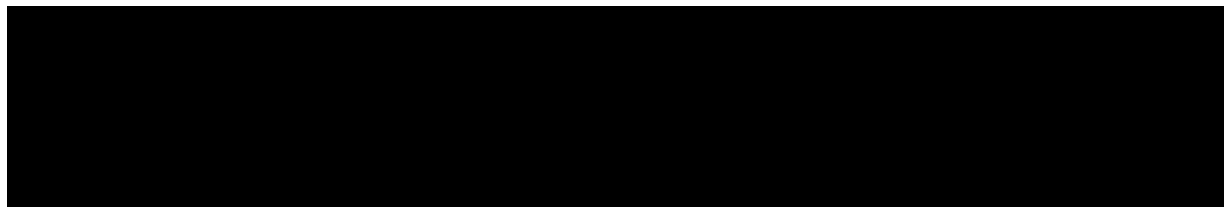
<sup>1</sup> IOLTA stands for "Interest on Lawyers' Trust Accounts."

<sup>2</sup> See 130 CMR 520.004

## Findings of Fact

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

1. The appellant is [REDACTED] and was admitted to a [REDACTED]
2. On 3/20/25, a LTC application was received from the appellant with a requested 4/1/25 start date.
3. On 10/28/25, MassHealth issued an approval notice with a start date of 5/23/25.
4. On 4/1/25, the appellant's assets included:



5. The appellant had a 1/3 ownership interest in the property where he resided when he was admitted to the facility.
6. On [REDACTED] the property was sold and the proceeds were deposited into the appellant's attorney's IOLTA account.
7. On 5/23/25, a pooled trust was established.
8. MassHealth usually calculates a date of eligibility using a "Haley Calculation" which would have resulted in a start date of 12/23/25; however, in this case, MassHealth could provide the appellant with an earlier start date by using the date the appellant's assets were reduced to be under the limit for Long- Term Care benefits.
9. MassHealth approved the appellant's benefits with a start date of 5/23/25, the date the appellant verified his assets were within the program guidelines.

Total Countable Assets		\$195,354.87
Total Allowable Deductions	Private Payment 3/14/25 - 3/21/25	\$22,580.00
Remainder		\$172,774.87
Divided Private Pay Rate of \$650.00		265.80
Days of ineligibility		266

The appellant's eligible start date is 12/23/25 using the "Haley Calculation."

## Analysis and Conclusions of Law

"The total value of countable assets owned by or available to individuals applying for or receiving MassHealth Standard, Family Assistance, or Limited may not exceed" \$2,000.00 for an individual. (130 CMR 520.003(A)(1)). MassHealth regulation, 130 CMR 520.007, lists the assets that MassHealth deems countable. While 130 CMR 520.007(G)(1) lists an exception to countable assets that includes the applicant's principal place of residence, it provides for a period of time to dispose of a principal place of residence.<sup>3</sup> MassHealth regulations also consider assets that may be inaccessible to the applicant as not countable for the period in which the asset is inaccessible. (130 CMR 520.006(A)). An asset to which the applicant or member has no legal access, for example, property whose ownership is the subject of legal proceedings (probate and divorce suits), is considered inaccessible under 130 CMR 520.006(B)(1). MassHealth considers the date of accessibility the date the applicant or member has access to all assets to which the applicant or member is legally entitled. The appellant was always legally entitled to 1/3 ownership interest in the property, and the subject of the property's ownership was never subject to legal proceedings. Thus, the proceeds from the sale of the property are deemed accessible and countable.

If an applicant for LTC benefits has more than \$2,000.00 in assets, they may reduce their assets and achieve eligibility per 130 CMR 520.004. 130 CMR 520.004(A) reads in part as follows:

### 130 CMR 520.004: Asset Reduction

#### (A) Criteria.

- (1) An applicant whose countable assets exceed the asset limit of MassHealth Standard, Family Assistance, or Limited may be eligible for MassHealth
  - (a) *as of the date the applicant reduces his or her excess assets to the allowable asset limit without violating the transfer of resource provisions for nursing-facility residents at 130 CMR 520.019(F); or*
  - (b) as of the date, described in 130 CMR 520.004(C), the applicant incurs medical bills that equal the amount of the excess assets and reduces the assets to the allowable asset limit within 30 days after the date of the notification of excess assets.
- (2) In addition, the applicant must be otherwise eligible for MassHealth.

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<sup>3</sup> 130 CMR 520.007(G)(2) Nine-month Exemption. The value of such real estate is exempt for nine calendar months after the date of notice by the MassHealth agency, provided that the individual signs an agreement with the MassHealth agency within 30 days after the date of notice to dispose of the property at fair-market value. The MassHealth agency will extend the nine-month period as long as the individual or the spouse continues to make a good-faith effort to sell, as verified in accordance with 130 CMR 520.007(G)(4).

(emphasis added).

The appellant used the proceeds from the sale of his principal residence to fund a pooled trust, which is a qualifying means in which to reduce assets under MassHealth regulations 130 CMR 520.019(D).<sup>4</sup>

The appellant's assets were reduced to the \$2,000.00 limit on 5/23/25 when he funded a pooled trust with the sale proceeds; therefore, 5/23/25 is his date of eligibility, as opposed to a Haley calculation, which would have yielded a much later coverage start date.

MassHealth was correct in determining the appellant's date of eligibility.

## **Order for MassHealth**

None.

## **Notification of Your Right to Appeal to Court**

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<sup>4</sup> 130 CMR 520.019(D)(3) The resources were transferred to the nursing facility resident's permanently and totally disabled or blind child or to a trust, a pooled trust, or a special-needs trust created for the sole benefit of such child. (4) The resources were transferred to a trust, a special-needs trust, or a pooled trust created for the sole benefit of a permanently and totally disabled person who was younger than 65 years old at the time the trust was created or funded. (5) Effective until sixty days after the end of the maintenance of effort and continuous eligibility provisions of Section 6008 of the Families First Coronavirus Response Act (Public Law No. 116-127), the resources were transferred to a pooled trust created for the sole benefit of the permanently and totally disabled nursing-facility resident. Effective sixty days after the end of the maintenance of effort and continuous eligibility provisions of Section 6008 of the Families First Coronavirus Response Act (Public Law No. 116-127), this transfer is no longer permissible.

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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Christine Therrien  
Hearing Officer  
Board of Hearings



cc: MassHealth Representative: Sylvia Tiar, Tewksbury MassHealth Enrollment Center