

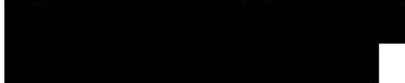
**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Denied	Appeal Number:	2517971
Decision Date:	2/19/2026	Hearing Date:	01/07/2026
Hearing Officer:	Scott Bernard	Record Open to:	02/11/2026

Appearances for Appellant:



Appearance for MassHealth:

Jamie Lapa *via* telephone



*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 – Excess Assets
Decision Date:	2/19/2026	Hearing Date:	01/07/2026
MassHealth’s Rep.:	Jamie Lapa	Appellant’s Reps.:	[REDACTED]
Hearing Location:	Springfield MassHealth Enrollment Center	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

In a notice dated October 9, 2025, MassHealth denied the appellant’s application for Long-Term Care (LTC) benefits because he had more countable assets than MassHealth benefits allow. (See 130 CMR 520.003 and Exhibit (Ex.) 1, pp. 4-9). The appellant filed this appeal in a timely manner on December 6, 2025. (See 130 CMR 610.015(B) and Ex. 1, p. 1). A denial of assistance constitutes grounds for appeal. (See 130 CMR 610.032).

Action Taken by MassHealth

MassHealth denied the appellant’s application for MassHealth LTC benefits.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 520.003, in denying the appellant’s application due to excess assets.

Summary of Evidence

At the hearing, MassHealth was represented by a Benefits Eligibility Representative from the Springfield MassHealth Enrollment Center (MEC). The appellant appeared through the appeal representative named in his fair hearing request and was accompanied by a representative of the nursing facility where he resides. (Ex. 1, p. 1). The hearing was held telephonically.

The MassHealth representative testified that the appellant is a single individual over the age of [REDACTED] (Testimony; Ex. 2). MassHealth received the appellant's application for LTC benefits on June 12, 2025. (Testimony; Ex. 4). The appellant entered the nursing facility in early [REDACTED] and sought coverage beginning April 13, 2025. (Testimony; Ex. 4). MassHealth denied the application by notice dated October 9, 2025 based on a determination that the appellant's countable assets exceeded the \$2,000.00 individual asset limit. (Testimony; Ex. 4). After the denial issued, the appellant reduced his bank account balance, but stock held in his deceased spouse's name remained and kept him over the asset limit. (Testimony; Ex. 4). The account consisted of 44 shares with a total value of \$3,266.56. (Testimony; Ex. 4).

The appeal representative testified that she and the nursing facility representative attempted to contact the financial institution holding the stock account to liquidate the shares, but were unsuccessful. (Testimony). They initially sought appointment of a representative for the spouse's estate in [REDACTED] but learned that the deceased spouse was domiciled in [REDACTED] at the time of her death, and therefore they had to initiate probate proceedings in Florida. (Testimony).

The nursing facility representative testified that they retained a [REDACTED] attorney to initiate probate, that the attorney required payment before filing, and that the attorney provided a W-9 form so the nursing facility could process payment through its accounts payable department.¹ (Testimony). The nursing facility representative confirmed that, as of the hearing date, no probate petition had been filed in [REDACTED] (Testimony). The appeal representative acknowledged that they must submit proof that a probate petition has been filed and obtain documentation reflecting a docket number before the shares can be treated as inaccessible.² (Testimony).

The MassHealth representative testified that, upon receipt of documentation showing that a probate petition has been filed and docketed, MassHealth could treat the shares as temporarily

¹ IRS Form W-9 is a Request for Taxpayer Identification Number and Certification used by a payor to obtain the payee's taxpayer identification information for reporting purposes.

² See 130 CMR 520.006(A)–(B)(1) (defining an inaccessible asset as one to which the applicant has no legal access and including property that is the subject of legal proceedings, such as probate). The regulation does not prescribe a specific form of evidence to reflect that an asset is the subject of legal proceedings; however, documentation demonstrating that probate has been initiated, and a docket number assigned, would corroborate that the asset is in fact the subject of legal proceedings. Requiring such documentation to establish inaccessibility would therefore be consistent with the regulation's framework, and is reasonable under the circumstances.

inaccessible pending completion of probate and could potentially approve LTC benefits effective April 13, 2025, if all other eligibility criteria are met. (Testimony). The appeal representative stated that once probate is filed and a personal representative is appointed, they intend to sell the stock, complete the spend-down, and submit verification of the spend-down to MassHealth. (Testimony).

The parties agreed that the appellant's representatives would submit, on or before January 21, 2026, proof that a probate case had been filed in [REDACTED] to appoint a personal representative for the appellant's late wife's estate, thereby permitting access to the shares and their eventual spend-down. (Testimony; Ex. 5). The parties further agreed that, pending completion of probate, MassHealth could treat the shares as temporarily unavailable for eligibility purposes and issue a determination approving LTC benefits during that period if all other eligibility criteria were met. (Testimony; Ex. 5). The MassHealth representative agreed to confirm in writing by January 28, 2026 whether the required documentation had been received and to identify any outstanding items. (Testimony; Ex. 5). The parties further agreed that, if sufficient verification were submitted during the record-open period, the appeal could be resolved by withdrawal; otherwise, the matter would proceed to decision. (Testimony; Ex. 5).

On January 20, 2026, the appeal representative emailed the hearing officer requesting a two-week extension of the record-open period until February 4, 2026, explaining that the nursing facility had sent payment to the Florida attorney to initiate probate of the appellant's deceased spouse's estate, but had not yet received confirmation that the probate petition had been filed. (Ex. 6, p. 2). On January 21, 2026, the appeal representative followed up on that request and asked for confirmation that the record would be extended. (Ex. 6, p. 3). That same day, the appeal representative transmitted a formal written request for extension and faxed it to the Board of Hearings. (Ex. 6, pp. 4–5, 8–9).

On January 22, 2026, the hearing officer emailed the parties informing them that the record-open period would be extended through February 4, 2026 for the appellant's submission, with MassHealth's response due by February 11, 2026. (Ex. 6, p. 17). In this email, the hearing officer clarified that acceptable proof of probate filing would consist of a copy of the probate petition showing a court docket number. (Ex. 6, p. 17). On January 23, 2026, the appeal representative acknowledged receipt of this email. (Ex. 6, p. 18).

On February 3, 2026, the appeal representative emailed the hearing officer and the MassHealth representative stating that the [REDACTED] attorney had received payment and indicated he would file the probate petition, but that she had not yet received a copy of the petition or proof that it had been filed. (Ex. 6, p. 19). She requested that the record remain open until February 11, 2026 to allow additional time to obtain documentation. (Id.).

On February 4, 2026, the nursing facility representative emailed stating that the [REDACTED] attorney had advised that filing the probate petition could take approximately one month and requested that the record remain open for an additional thirty days. (Ex. 6, p. 20). She attached an email from

the [REDACTED] attorney stating that preparation and filing would take approximately one month. (Ex. 6, p. 21). The attached correspondence reflected ongoing communications between the nursing facility representative and the [REDACTED] attorney regarding payment processing, including requests for a W-9 form, vendor setup procedures, confirmation of check delivery, and anticipated filing timelines, and indicated that the attorney intended to file the petition only after receiving and processing payment. (Ex. 6, pp. 23–33, 26–29).

On February 5, 2026, the appeal representative again requested that the record remain open for an additional month to allow time for the [REDACTED] attorney to file the probate petition. (Ex. 6, p. 38). Later that day, the hearing officer responded that because no probate petition had been filed and the previously granted extension had expired, the record-open period would not be extended further to await a future probate filing. (Id.).

Findings of Fact

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

1. The appellant is a single individual over the age of [REDACTED] (Testimony; Ex. 4).
2. The appellant entered the nursing facility in early [REDACTED] (Testimony; Ex. 4).
3. MassHealth received the appellant's application for LTC benefits on June 12, 2025 and sought coverage beginning April 13, 2025. (Testimony; Ex. 4).
4. By notice dated October 9, 2025, MassHealth denied the application on the ground that the appellant's countable assets exceeded the applicable \$2,000.00 asset limit. (Testimony; Ex. 4).
5. As of the date of the denial, the appellant held 44 shares of stock with a total value of \$3,266.56 in his deceased spouse's name. (Testimony; Ex. 4).
6. The appeal representative and the nursing facility representative were unable to liquidate the stock because no personal representative had been appointed for the deceased spouse's estate. (Testimony).
7. At the hearing, the parties agreed that the appellant's representatives would submit documentation showing that a probate petition had been filed and docketed in [REDACTED] where the appellant's late spouse lived, before the shares could be treated as temporarily unavailable for LTC eligibility purposes. (Testimony; Ex. 5).
8. As of the hearing date, no probate petition had been filed and no documentation established that the stock shares had been liquidated or rendered inaccessible. (Testimony; Ex. 5).

9. As of February 5, 2026, no probate petition had been filed and no documentation reflecting a docket number had been submitted. (Ex. 6, pp. 19–21, 38–39).
10. The appellant did not reduce his countable assets to \$2,000.00 or less at any time during the record-open period, and at the close of the hearing record he continued to hold stock valued at \$3,266.56, which exceeded the \$2,000.00 individual asset limit. (Testimony; Ex. 4; Ex. 6, pp. 19–21, 38–39).

Analysis and Conclusions of Law

The total value of countable assets owned by or available to non-married individuals applying for MassHealth LTC benefits may not exceed \$2,000.00 for that individual. (130 CMR 520.003(A)(1); 520.016(A)). An applicant whose countable assets exceed the asset limit may be eligible for MassHealth either as of the date the applicant reduces excess assets to the allowable limit without violating the transfer-of-resource provisions for nursing-facility residents, or as of the date the applicant incurs medical bills equal to the excess assets and reduces the assets to the allowable limit within 30 days after notification of excess assets. (130 CMR 520.004(A)(1)).

Here, the appellant is a single individual over the age of ■ who applied for LTC benefits on June 12, 2025 and sought coverage beginning April 13, 2025. Prior to MassHealth issuing the eligibility determination under appeal, the appellant's countable assets included ■ shares of stock held in his deceased spouse's name with a total value of \$3,266.56. That amount exceeds the \$2,000.00 asset limit by \$1,266.56. MassHealth therefore denied the application by notice dated October 9, 2025 on the ground that the appellant's assets exceeded the asset limit.

At the time of the hearing, the appellant's countable assets continued to include the 44 shares of stock valued at \$3,266.56, which exceeded the \$2,000.00 asset limit. The appellant had not reduced the excess assets to the allowable limit. At the close of the record-open period, no documentation in the record established that the shares had been liquidated, were inaccessible, or otherwise reduced below the asset limit. Accordingly, the appellant remained over the allowable asset limit at both the time of the hearing and at the close of the hearing record. The appellant therefore did not reduce his countable assets to the allowable limit within the meaning of 130 CMR 520.004(A)(1).

For the above reasons, 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.

Scott Bernard
Hearing Officer
Board of Hearings

[REDACTED]

[REDACTED]

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