

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2518522
<b>Decision Date:</b>	02/26/2026	<b>Hearing Date:</b>	01/14/2026
<b>Hearing Officer:</b>	Alexandra Shube		

**Appearance for Appellant:**



**Appearance for MassHealth:**

*Via telephone:*  
Christina Prunier, Tewksbury 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>	Denied	<b>Issue:</b>	LTC; Start Date
<b>Decision Date:</b>	02/26/2026	<b>Hearing Date:</b>	01/14/2026
<b>MassHealth's Rep.:</b>	Christina Prunier	<b>Appellant's Rep.:</b>	[REDACTED]
<b>Hearing Location:</b>	Tewksbury 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 November 7, 2025, MassHealth informed the appellant that she was approved for MassHealth long-term care benefits with a start date of June 4, 2025 (see Exhibit 1). The appellant filed this appeal in a timely manner on December 16, 2025 (see 130 CMR 610.015(B) and Exhibit 2). Challenging the scope of assistance is valid grounds for appeal (see 130 CMR 610.032).

## Action Taken by MassHealth

MassHealth approved the appellant for MassHealth long-term care benefits with a start date of June 4, 2025.

## Issue

The appeal issue is whether MassHealth was correct in determining the start date of long-term care coverage.

## Summary of Evidence

The appellant was represented at hearing via telephone by the facility's business office manager. The MassHealth representative appeared at hearing via telephone and testified as follows: on April 25, 2025, MassHealth received an application for long-term care benefits with a requested start date of May 15, 2025. The appellant is over 65 and a resident of a nursing facility. The case was initially denied for missing verifications on June 10, 2025 and July 30, 2025. An over assets denial issued on August 20, 2025. There were appeals filed and then withdrawn for the July 30 and August 20 notices, protecting the original application date. On November 7, 2025, the appellant provided proof of spend down. On November 7, 2025, MassHealth informed the appellant that she was approved for MassHealth long-term care benefits with a start date of June 4, 2025. This is the notice under appeal. The appellant is disputing the start date.

The MassHealth representative explained that to calculate the start date of coverage, MassHealth uses a *Haley*<sup>1</sup> calculation. Upon applying for MassHealth, a member must be asset eligible at the time of the decision, on the requested start date of coverage, and throughout the process. MassHealth determined that as of the requested start date of May 15, 2025, the appellant had total countable assets of \$26,263.19. MassHealth reviewed how the appellant spent down the funds after May 15, 2025 and deducted allowable payments from the total asset amount. MassHealth deducted a total of \$16,560 (\$2,000 for the allowable asset limit, \$14,075 for a funeral contract, and \$485 for private pay on May 14, 2025) from \$26,263.19 to arrive at \$9,703.19 in excess assets. At the time, the private daily rate at the appellant's nursing facility was \$485. Accordingly the excess assets of \$9,703.19, when divided by the daily nursing facility rate of \$485, would pay the appellant's incurred nursing facility expenses for 20 days, or through June 3, 2025. MassHealth noted that the assets were not reduced below the allowable limit until September 17, 2025. Thus, MassHealth approved the June 4, 2025 start date, which was more favorable to the appellant.

The appellant responded that when the appellant applied for MassHealth, she wasn't competent. She had a temporary conservator that expired on June 2, 2025.<sup>2</sup> They went back to court to get a permanent conservator appointed, but that was not finalized until August 25, 2025. The conservator could not access the bank accounts until she was fully appointed on August 25, 2025. During that time, income accumulated in her account that no one had access to and that should not be counted against the appellant. There was nothing else the facility could do at that time to prevent this from happening. The appellant also argued that she had a similar appeal with a different member that was resolved favorably.<sup>3</sup>

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<sup>1</sup> *Haley v. Comm'r of Pub. Welfare*, 394 Mass. 466 (1985).

<sup>2</sup> The SACA provided by MassHealth shows that the application was filled out by a Certified Application Counselor and was signed by the appellant herself. The temporary conservator did not appear to sign the application.

<sup>3</sup> The appeal referenced was #2516816 which never went to a decision. Based on email communications, it was resolved during a record open period because the appellant provided new verifications which allowed MassHealth

The MassHealth representative responded that each appeal is separate and case specific. As such, the other appeal referenced has no bearing on this current appeal. She testified that MassHealth correctly considered all medical and burial expenses in the spend down. Of the \$9,703.19 in excess assets, \$2,500 was for conservator and legal fees and two checks (\$2,975 and \$4,418) were for backdated Patient Paid Amounts (PPA). The difference between \$9,703.19 and the total of the checks (\$9,893) is due to the income continuing to come in during the spend-down period. The MassHealth representative stated that only medical and burial expenses paid from excess assets are considered for retroactive coverage. She testified that MassHealth does not consider the PPA a medical expense and additionally, per 130 CMR 520.004(B) bills used to establish eligibility must not be the same bills used to meet the deductible based on income.

## Findings of Fact

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

1. The appellant is over the age of 65 and a resident of a nursing facility (Testimony and Exhibit 4).
2. On April 25, 2025, MassHealth received an application for long-term care benefits with a requested start date of May 15, 2025 (Testimony and Exhibit 4).
3. The case was initially denied for missing verifications on June 10, 2025 and July 30, 2025. An over assets denial issued on August 20, 2025. There were appeals filed and then withdrawn for the July 30 and August 20 notices, protecting the original application date. (Testimony and Exhibit 4).
4. On November 7, 2025, the appellant provided proof of spend down (Testimony and Exhibit 4).
5. On November 7, 2025, MassHealth informed the appellant that she was approved for MassHealth long-term care benefits with a start date of June 4, 2025.
6. On December 16, 2025, the appellant timely appealed this notice. (Testimony and Exhibit 2).
7. As of the requested start date, May 15, 2025, the appellant's assets totaled \$26,263.19 (Testimony and Exhibit 4).
8. MassHealth deducted a total of \$16,560 (\$2,000 for the allowable asset limit, \$14,075 for a

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to adjust the *Haley* calculation and redetermine the start date. See Exhibit 5. No additional verifications have been provided here.

funeral contract, and \$485 for private pay on May 14, 2025) from \$26,263.19 to arrive at \$9,703.19 in total excess assets (Testimony and Exhibit 4).

9. Of those excess assets, \$2,500 was for conservator and legal fees and two checks (\$2,975 and \$4,418) were for backdated PPA. The difference between \$9,703.19 and the total of the checks (\$9,893) is due to the income continuing to come in during the spend down period. (Testimony and Exhibit 4).
10. The nursing facility's private pay daily rate was \$485 and MassHealth calculated that the appellant's excess assets of \$9,703.19 would pay for the appellant's incurred nursing facility expenses for 20 days, or through June 3, 2025; MassHealth determined a start date of June 4, 2025 (Testimony and Exhibit 4).
11. The appellant's assets were not reduced until September 17, 2025, but her medical expenses equaled or exceeded her excess assets on June 4, 2025 and MassHealth approved the more favorable start date (Testimony and Exhibit 4).
12. The appellant had a temporary conservator at the time of the application and the permanent conservator was appointed on August 25, 2025 (Testimony).

## Analysis and Conclusions of Law

This appeal addresses whether MassHealth correctly approved the appellant for long-term care coverage with a benefit start date of June 4, 2025. First, for an individual to become eligible for long-term care benefits, his or her assets may not exceed \$2,000. See 130 CMR 520.003(A)(1). However, an applicant whose countable assets exceed the asset limit may become eligible through MassHealth's asset reduction process, described as follows:

(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.

(B) Evaluating Medical Bills. The MassHealth agency does not pay that portion of the medical bills equal to the amount of excess assets. Bills used to establish

eligibility

- (1) Cannot be incurred before the first day of the third month prior to the date of application as described at 130 CMR 516.002: Date of Application; and
- (2) Must not be the same bills or the same portions of the bills that are used to meet a deductible based on income.

(C) Date of Eligibility. ***The date of eligibility for otherwise eligible individuals described at 130 CMR 520.004(A)(1)(b) is the date that his or her incurred allowable medical expenses equaled or exceeded the amount of his or her excess assets.***

- (1) If after eligibility has been established, an individual submits an allowable bill with a medical service date that precedes the date established under 130 CMR 520.004(C), the MassHealth agency readjusts the date of eligibility.
- (2) In no event will the first day of eligibility be earlier than the first day of the third month before the date of the application, if permitted by the coverage type.

130 CMR 520.004 (emphasis added).

In this case, MassHealth correctly determined that the appellant had \$9,703.19 in excess assets as of May 15, 2025, the requested start date. On May 15, 2025, the appellant's assets totaled \$26,263.19. MassHealth determined the appellant's excess asset amount of \$9,703.19 by deducting the allowable asset limit of \$2,000, a funeral contract of \$14,075,<sup>4</sup> and private pay medical expense of \$485.00 for May 14, 2025. As there were no other allowable medical or burial/funeral expenses that MassHealth determined it could appropriately consider, MassHealth then calculated the date the appellant would be eligible for MassHealth benefits pursuant to 130 CMR 520.004(C) by determining the date the appellant's incurred medical expenses equaled or exceeded her excess asset amount. This was done by dividing the remaining excess assets (\$9,703.19) by the private pay daily nursing facility rate (\$485) which resulted in a 20 day period from May 15, 2025 through June 3, 2025. Because the appellant's excess assets would cover her nursing facility expenses from May 15, 2025 through June 3, 2025, MassHealth correctly determined that the appellant was eligible for MassHealth beginning June 4, 2025.

The appellant argued that the assets were not accessible until the permanent conservator was appointed on August 25, 2025. During this time, income accumulated in her account, but it should not be counted against her because it is income and the conservator did not have access to those funds. That argument is not persuasive and should have been addressed with the August 20, 2025 notice.<sup>5</sup> Furthermore, MassHealth looks at assets available to the appellant as of the requested

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<sup>4</sup> Funeral and burial arrangements are considered noncountable assets pursuant to 130 CMR 520.008(F).

<sup>5</sup> The regulation regarding inaccessible assets and date of accessibility, 130 CMR 520.006(C), does not confer a six-month credit of MassHealth coverage. Rather, 130 CMR 520.006(C)(2) allows a limited amount of additional time that may be necessary for a MassHealth applicant who requires the assistance of a conservator to gather verifications and spend assets. An applicant is still subject to the start date regulations at 130 CMR 520.004. In this respect, the appellant is entitled to the more advantageous start date that the *Haley* calculation permits under 130

start date, or May 15, 2025 in this case. So, income accumulated while the conservator process was underway (June, July, August) was not counted in that asset calculation as the appellant had not yet received such income. Further, the income the appellant received in June, July, August, 2025 should be used to meet her PPA for those months.

Here, MassHealth appropriately considered all allowable medical and burial expenses and correctly determined the June 4, 2025 start date. For these 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.

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Alexandra Shube  
Hearing Officer  
Board of Hearings

  
MassHealth Representative: Sylvia Tiar, Tewksbury MassHealth Enrollment Center, 367 East Street, Tewksbury, MA 01876-1957

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CMR 520.004(A)(1)(b) (June 4, 2025 in the appellant's case), rather than the alternative start date based on actual date of reduction allowed under 130 CMR 520.004(A)(1)(a) (September 17, 2025 in the appellant's case).