

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Dismissed in part, Denied in part	Appeal Number:	2518639
Decision Date:	02/20/2026	Hearing Date:	01/02/2026
Hearing Officer:	Christine Therrien	Record Open to:	01/28/2026

Appearances for Appellant:




Appearance for MassHealth:

Roberta Noland, Tewksbury MEC, on behalf of
Kim McAvinchey, 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

Appeal Decision:	Dismissed in part, Denied in part	Issue:	LTC – Disqualifying Transfers
Decision Date:	02/20/2026	Hearing Date:	01/02/2026
MassHealth’s Rep.:	Roberta Noland	Appellant’s Reps.:	
Hearing Location:	Telephonic -- Tewksbury		

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 11/26/25, MassHealth denied the appellant’s application for MassHealth Standard benefits for long-term care (LTC) residents because MassHealth determined that the appellant gave away or sold assets for less than fair market value to become eligible for MassHealth. MassHealth calculated an ineligibility period from 8/12/25 to 5/12/26, due to a transfer of assets. (130 CMR 520.019 and Exhibit 1). The appellant filed this appeal in a timely manner on 12/18/25, disputing the disqualifying transfer. (130 CMR 610.015(B) and Exhibit 2). Dispute of MassHealth eligibility is a valid ground for appeal. (130 CMR 610.032). The record was left open until 1/28/26 to allow MassHealth time to review the documentation submitted with the appeal to cure the transfers.

Action Taken by MassHealth

MassHealth denied appellant’s MassHealth LTC application and determined there was a disqualifying transfer of resources in the amount of \$120,589.27, resulting in a period of ineligibility from 8/12/25 to 5/12/26.

Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 520.019, in determining there was a disqualifying transfer of resources in the amount of \$120,589.27, resulting in a period of ineligibility from 8/12/25 to 5/12/26.

Summary of Evidence

The MassHealth representative testified that on 6/4/25, MassHealth received an application for LTC benefits on behalf of the appellant with a requested benefit start date of 8/12/25. (Exhibit 5). The appellant is [REDACTED] and was admitted to the nursing facility on [REDACTED]. The MassHealth representative testified that the application was denied for lack of verifications on 7/25/25. The MassHealth representative testified that some missing verifications were received on 7/31/25, and a final denial for lack of verifications was issued on 9/23/25. The MassHealth representative testified that the 9/23/25 notice was appealed, preserving the application date of 7/31/25. The MassHealth representative testified that on 11/26/25, the application was denied again with a period of ineligibility from 8/12/25 to 5/12/26, due to disqualifying transfers of resources made by the appellant during the lookback period preceding the filing of her MassHealth application. The MassHealth representative testified that the resource transfer amount used to determine the period of ineligibility was calculated from transactions in the appellant's checking accounts totaling \$127,589.27, less \$7,000.00 in cured transactions, for a total of \$120,589.27.¹ (Exhibit 5). The MassHealth representative testified that the average daily private nursing home cost used to determine the penalty period for the period of ineligibility for the transfer of resources is \$450.00. MassHealth calculated the period of ineligibility by dividing the uncured transfer amount of \$120,589.27 by the average daily private nursing home

¹ Transfers calculated for the notice being appealed.

ROCKLAND TRUST Account

1)	"GIFT" TO DAUGHTER CLOSING WITHDRAWAL	8/28/23	\$20,438.27
2)	[REDACTED] TO UNKNOWN PERSON – UNVERIFIED	9/01/20	\$15,000.00
3)	[REDACTED] TO SON	1/04/22	\$3,000.00
4)	[REDACTED]	[REDACTED]	[REDACTED]
5)	[REDACTED] TO Son UNVERIFIED	8/19/20	\$15,000.00
6)	"GIFT" [REDACTED] TO Daughter	2/05/21	\$15,000.00
7)	CASH WITHDRAWAL "FOR HER MOTHER"	11/05/21	\$5,000.00
8)	PER ATTORNEY "GIFT" TO DAUGHTER	8/18/23	\$10,000.00
9)	CASH WITHDRAWALS 1/1/23 - 12/31/23	12/31/23	\$12,250.00
10)	CASH WITHDRAWALS 12/1/24 - 12/31/24	12/31/24	\$19,300.00
11)	[REDACTED] TO SELF, MEMO "FOR LAWYER"	6/06/25	\$3,000.00
12)	CASH WITHDRAWALS 1/1/25-7/8/25	7/08/25	\$6,300.00
13)	[REDACTED] TO SON, NO EXPLANATION, NO VERIFICATION	7/31/25	\$1,300.00

cost of \$450.00, yielding 274 days of ineligibility. The appellant's period of ineligibility is from 8/12/25 to 5/12/26, with a start date of 5/13/25.²

The appellant's attorney submitted a memorandum and verifications into evidence with the appeal, stating:

This period of ineligibility is grossly in excess of what a period of ineligibility should be as many of the items listed were not disqualifying transfers of assets and some of the items listed are actually incorrect or non-existent. This correspondence will address each item listed on the Period of Ineligibility Calculation individually.

- A. The closing withdrawal from the [REDACTED] ending in [xxxx] in the amount of \$20,438.27 which [appellant] gifted to her children, [daughter] and [son] was anticipated to be a disqualifying transfer and the family has since paid this amount to [facility], curing that transfer. A copy of the bank check to [facility] is attached.
- B. The check number [REDACTED] from the [REDACTED] ending in [xxxx] in the amount of \$15,000 to [son] was not a transfer of assets but was to pay for installation of a boiler and two water heaters at [appellant's] house. [Appellant's] son purchased the equipment for his mother at [REDACTED] because he could get a good price on it, and he made the arrangements for the plumbing company to install them. The receipts from [REDACTED] [REDACTED] attached.
- C. The check number [REDACTED] from the [REDACTED] ending in [xxxx] in the amount of \$1,300 to [son] was not a transfer of assets but was to pay for a recliner chair which [appellant] had purchased for his mother when she entered the nursing home. He also purchased her a television. The receipts for the recliner and the television are attached.
- D. The check from the [REDACTED] on 08/18/2023 to [daughter] was a gift to her daughter but was not a disqualifying transfer of assets but was a permissible transfer under 130 CMR 520.019(F) as the transfer was not done for the purpose of qualifying for MassHealth. [Daughter] retired early to become her mother's full-time caretaker. Her mother desired to remain at home for as long as possible and having [daughter] as her full-time caretaker

² Per MassHealth Eligibility Operations Memo 25-16, the average daily private nursing home cost changed from \$441.00 to \$450.00 in October, 2025 for all LTC applications received on or after 11/1/25, for purposes of imposing a period of ineligibility; therefore, the correct rate used to calculate the appellant's period of ineligibility should be \$441.00.

allowed [appellant] to remain at home without the need to hire housekeepers and aids to assist her in cleaning, bathing, dressing, meal preparation, shopping and to transport her to all her activities and doctor's appointments. In contemplation of this full-time care, [appellant] would gift to her daughter rather than hire strangers to give her full-time care. This was not in any way a transfer for the purpose of qualifying for Mass Health.

- E. The same applies as above in Paragraph D to the check number [REDACTED] in the amount of \$15,000.00 on February 5, 2021. This was a permissible transfer under 130 CMR 520.019(F) as it was in no way a transfer for the purpose of qualifying for MassHealth.
- F. This item lists transfers in the amount of \$19,300.00 from 12/1/24 to 12/31/24. The bank statements from December of 2024 and January of 2025 do not show transfers anywhere close to this amount. The bank statements are attached.
- G. The check numbered [REDACTED] from the [REDACTED] with the memo 'for lawyer' did actually have to do with the legal fee. That money was taken from the [REDACTED] and deposited into the [REDACTED] account to maintain that account because the check for the legal fee was written out of the [REDACTED]. The [REDACTED] statement from May 28, 2025 through June 26, 2025 is attached and shows the \$3,000 deposit made the same day the \$3,000 check from [REDACTED] was written. This was not a disqualifying transfer.
- H. The check numbered [REDACTED] from the [REDACTED] ending in [xxxx] in the amount of \$3,000.00 to [son] was not a transfer of assets but was to pay for the replacement of another boiler at the home. Again, [appellant] had her son purchase the parts because he could get a good price. The receipt for the boiler from [REDACTED] is attached.
- I. The check numbered [REDACTED] from the [REDACTED] ending in [xxxx] in the amount of \$2,000.00 to [daughter] on the same date with 'heat' written in the memo, was to pay the plumber for the installation of the boiler. [Daughter] has been unable to produce the plumbing company's receipt for me and I have informed them this may be considered a disqualifying transfer because of that.
- J. The check numbered [REDACTED] in the amount of \$15,000 is out of a [REDACTED] account ending in [xxxx]. This was not their account and there was no check for \$15,000 written out of their [REDACTED] account ending in [REDACTED]. This appears

to be an absolute error and has nothing to do with [the appellant]. The statements from [the appellant's] [REDACTED] bank account ending in [xxxx] from August, September and October of 2020 are attached and there is no check for \$15,000.

- K. The \$5,000 withdrawal from the [REDACTED] ending in [xxxx] on 1/05/2021 was explained as a withdrawal 'for her mother' [the appellant] explains she does not remember what happened with those funds and I explained that, because of that, it may be considered a disqualifying transfer.
- L. The withdrawals from the [REDACTED] ending in [xxxx] from 1/1/25 to 7/8/25 in the amount of \$6,300 were regular withdrawals [daughter] would make to pay for her mother's expenses. As was explained before, she paid for hair appointments, groceries, shopping and clothing, dining out, activities at the senior center and transportation among other miscellaneous expenses for her mother. These were not a transfer of assets.
- M. The final item of withdrawals from the [REDACTED] from 1/1/23 to 12/31/23 are the same as explained in paragraph L above. These were regular withdrawals to pay for her mother's expenses and were not a transfer of assets.

(Exhibit 2)

After reviewing the appellant's attorney's submissions, the MassHealth representative testified that MassHealth considers the multiple transfers of funds from the [REDACTED] to the appellant's daughter to be disqualifying transfers. The appellant was just shy of [REDACTED] old at the start of the look-back period on 6/01/20, and she was [REDACTED] upon admission to the facility. The MassHealth representative testified that the appellant's physician verified that she would have entered a nursing facility 10 years ago except for her daughter's care, which entailed providing hygiene, medications, meals, and accompanying the appellant to all her doctor's appointments. (Exhibit 6). The MassHealth representative testified that, given the appellant's age and medical condition, it was known there was a high likelihood she would enter a nursing facility. The MassHealth representative testified that the appellant was paying her own utility bills, her health insurance, and her medical alert from the [REDACTED] account where her Social Security income was being deposited. The MassHealth representative testified that the bank statements verify that monthly check payments were made to [REDACTED], [REDACTED]. Additionally, [REDACTED] payments were automatically deducted from the appellant's account. The MassHealth representative testified that there is no evidence that the appellant's daughter paid any of the appellant's living expenses. The MassHealth representative testified that by 2024, \$1000 to \$2,500 per month was being transferred to the appellant's daughter. The MassHealth

representative testified there were no verifications for cash disbursements to the appellant's daughter. The MassHealth representative testified that there is no corroboration for the appellant's daughter's claim that she gave up a job and remained unemployed and/or had no income, such as Social Security, disability, and/or a pension. The MassHealth representative testified that the additional transfers to the daughter are clearly marked as "gifts" on the checks. The MassHealth representative testified that the appellant's daughter received the appellant's primary home for her care of the appellant, and this is the only permissible transfer. The MassHealth representative testified that the appellant was admitted to the facility only after all her funds were depleted.

The MassHealth representative testified that, according to bank statements submitted by the appellant, there were no disbursements of funds from [REDACTED] account to the appellant's daughter in 2020. The MassHealth representative testified that in 2021, there was a \$500.00 disbursement to the appellant's daughter, and in 2022, \$2,400.00 was disbursed to the appellant's daughter. The MassHealth representative testified that disbursements increased to \$12,250.00 in 2023 and \$19,300.00 in 2024. The MassHealth representative testified that from January to July of 2025, disbursements to the daughter totaled \$6,300.00, at which time appellant's funds were depleted and appellant was admitted to a facility. The MassHealth representative testified that MassHealth has not received sufficient documentation to consider transfers to the daughter as anything other than gifts.

The MassHealth representative testified that MassHealth will consider the following as partial cures: \$20,438.27 paid to the facility, \$15,000.00 paid for boiler/water heaters, \$1,300.00 for the appellant's recliner and TV, \$3,000.00 check to son for the purchase of a water heater delivered to appellant's address, and a \$3,000.00 deposit to the appellant's [REDACTED] account. The MassHealth representative testified that the bank statement [REDACTED] to an unknown person on 9/01/20 for \$15,000.00 appears to be a duplicate inclusion in the transfer total, and MassHealth will remove this from the calculation. The total amount of cured transfers is \$57,738.27, according to MassHealth.

The MassHealth representative testified that MassHealth considers the following as disqualifying transfers: \$10,000.00 check dated 8/18/23 to daughter, \$15,000.00 check dated 2/05/21 to daughter, \$19,300.00 of unverified funds from 1/1/24 to 12/31/24 to daughter, \$2,000.00 in unverified funds to daughter, \$5,000.00 in unverified funds to daughter, \$6,300.00 in unverified funds to daughter from 1/01/25 to 7/08/25, and \$12,250.00 in unverified funds to daughter from 1/01/23 to 12/31/23.

The MassHealth representative testified that \$57,738.27 in transfers were cured or removed by MassHealth, leaving \$62,850.00 of remaining disqualifying transfers.

Findings of Fact

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

1. On 6/4/25, MassHealth received an application for LTC benefits on behalf of the appellant with a requested benefit start date of 8/22/25. (Exhibit 5).
2. The appellant is [REDACTED] old and was admitted to the nursing facility on [REDACTED]
3. On 7/25/25, the appellant's application was denied for lack of verifications.
4. Some missing verifications were received on 7/31/25, and a final denial for lack of verifications was issued to the appellant on 9/23/25.
5. The 9/23/25 notice was appealed; therefore, the controlling application date for the notice under appeal is 7/31/25.
6. On 11/26/25, the appellant's application was denied again with a period of ineligibility from 8/12/25 to 5/12/26 due to disqualifying transfers of resources.
7. The resource transfer amount used to determine the period of ineligibility was calculated from transactions in the appellant's checking accounts totaling \$127,589.27, less \$7,000.00 in cured transactions, for a total of \$120,589.27. (Exhibit 5).
8. MassHealth calculated the period of ineligibility by dividing the uncured transfer amount of \$120,589.27 by the average daily private nursing home cost of \$450.00, yielding 274 days of ineligibility.
9. MassHealth calculated the appellant's period of ineligibility from 8/12/25 to 5/12/26, with a coverage start date of 5/13/25.
10. The MassHealth Eligibility Operations Memo 25-16, "Average Cost of Nursing Facility Services," states that the average daily private nursing home cost changed from \$441 to \$450 for all LTC applications received after 11/1/25; therefore, the correct daily rate used to calculate the appellant's period of ineligibility should be \$441.
11. The appellant's attorney submitted a memo and verifications into evidence with the appeal, stating that:
 - A. The closing withdrawal from the [REDACTED] ending in [xxxx] in the amount of \$20,438.27 which [appellant] gifted to her children, [daughter] and [son] was anticipated to be a disqualifying transfer and the family has since paid this amount to [facility], curing that transfer. A copy of the bank check to [facility] is attached.

- B. The check number [REDACTED] from the [REDACTED] ending in [xxxx] in the amount of \$15,000 to [son] was not a transfer of assets but was to pay for installation of a boiler and two water heaters at [appellant's] house. [Appellant's] son purchased the equipment for his mother at [REDACTED] because he could get a good price on it, and he made the arrangements for the plumbing company to install them. The receipts from [REDACTED] are attached.
- C. The check number [REDACTED] from the [REDACTED] ending in [xxxx] in the amount of \$1,300 to [son] was not a transfer of assets but was to pay for a recliner chair which [appellant] had purchased for his mother when she entered the nursing home. He also purchased her a television. The receipts for the recliner and the television are attached.
- D. The check from the [REDACTED] on 08/18/2023 to [daughter] was a gift to her daughter but was not a disqualifying transfer of assets but was a permissible transfer under 130 CMR 520.019(F) as the transfer was not done for the purpose of qualifying for MassHealth. [Daughter] retired early to become her mother's full-time caretaker. Her mother desired to remain at home for as long as possible and having [daughter] as her full-time caretaker allowed [appellant] to remain at home without the need to hire housekeepers and aids to assist her in cleaning, bathing, dressing, meal preparation, shopping and to transport her to all her activities and doctor's appointments. In contemplation of this full-time care, [appellant] would gift to her daughter rather than hire strangers to give her full-time care. This was not in any way a transfer for the purpose of qualifying for Mass Health.
- E. The same applies as above in Paragraph D to the check number [REDACTED] in the amount of \$15,000.00 on February 5, 2021. This was a permissible transfer under 130 CMR 520.019(F) as it was in no way a transfer for the purpose of qualifying for MassHealth.
- F. This item lists transfers in the amount of \$19,300.00 from 12/1/24 to 12/31/24. The bank statements from December of 2024 and January of 2025 do not show transfers anywhere close to this amount. The bank statements are attached.
- G. The check numbered [REDACTED] from the [REDACTED] with the memo "for lawyer" did actually have to do with the legal fee. That money was taken from the [REDACTED] and deposited into the [REDACTED] account to maintain that account because the check for the legal fee was

written out of the [REDACTED] account. The [REDACTED] account statement from May 28, 2025 through June 26, 2025 is attached and shows the \$3,000 deposit made the same day the \$3,000 check from [REDACTED] was written. This was not a disqualifying transfer.

- H. The check numbered 1312 from the [REDACTED] ending in [xxxx] in the amount of \$3,000.00 to [son] was not a transfer of assets but was to pay for the replacement of another boiler at the home. Again, [appellant] had her son purchase the parts because he could get a good price. The receipt for the boiler from [REDACTED] is attached.
- I. The check numbered [REDACTED] from the [REDACTED] ending in [xxxx] in the amount of \$2,000.00 to [daughter] on the same date with 'heat' written in the memo, was to pay the plumber for the installation of the boiler. [Daughter] has been unable to produce the plumbing company's receipt for me and I have informed them this may be considered a disqualifying transfer because of that.
- J. The check numbered [REDACTED] in the amount of \$15,000 is out of a [REDACTED] account ending in [xxxx]. This was not their account and there was no check for \$15,000 written out of their [REDACTED] account ending in 0670. This appears to be an absolute error and has nothing to do with [the appellant]. The statements from [the appellant's] [REDACTED] account ending in [xxxx] from August, September and October of 2020 are attached and there is no check for \$15,000.
- K. The \$5,000 withdrawal from the [REDACTED] ending in [xxxx] on 1/05/2021 was explained as a withdrawal 'for her mother' [the appellant] explains she does not remember what happened with those funds and I explained that, because of that, it may be considered a disqualifying transfer.
- L. The withdrawals from the [REDACTED] ending in [xxxx] from 1/1/25 to 7/8/25 in the amount of \$6,300 were regular withdrawals [daughter] would make to pay for her mother's expenses. As was explained before, she paid for hair appointments, groceries, shopping and clothing, dining out, activities at the senior center and transportation among other miscellaneous expenses for her mother. These were not a transfer of assets.
- M. The final item of withdrawals from the [REDACTED] from 1/1/23 to 12/31/23 are the same as explained in paragraph L above. These were regular withdrawals to pay for her mother's expenses and were not a transfer of assets.

(Exhibit 2).

12. MassHealth considers the multiple transfers of funds from the [REDACTED] account to the appellant's daughter to be disqualifying transfers.
13. The appellant was [REDACTED] at the start of the look-back period on 6/01/20, and she was [REDACTED] upon admission to the facility.
14. The appellant's physician verified that she would have entered a nursing facility 10 years ago except for her daughter's care. (Exhibit 2).
15. The appellant was paying her own utility bills, her health insurance, and her medical alert from the [REDACTED] account where her Social Security income was being deposited.
16. The bank statements verify that monthly check payments were made to [REDACTED] payments were automatically deducted from the appellant's account.
17. There is no evidence that the appellant's daughter paid any of the appellant's living expenses.
18. By 2024, \$1000 to \$2,500 per month was being transferred to the appellant's daughter.
19. There were no verifications for cash disbursements to the appellant's daughter.
20. There is no corroboration for the appellant's daughter's claim that she gave up a job and remained unemployed to care for the appellant, and/or had no income, such as Social Security, disability, and/or a pension.
21. The additional transfers to the daughter are marked as "gifts" on the checks.
22. The appellant's daughter received the appellant's primary home in exchange for her care of the appellant, which MassHealth considers a permissible transfer.
23. The appellant's funds were depleted when she was admitted to the facility.
24. According to bank statements submitted by the appellant, there were no disbursements of funds from the [REDACTED] account to the appellant's daughter in 2020.
25. The following amounts were disbursed to the appellant's daughter from the appellant's bank account: \$500.00 in 2021, \$2,400.00 in 2022, \$12,250.00 in 2023, \$19,300.00 in

2024, and \$6,300.00 from January to July of 2025.

26. MassHealth considers the following transfers to be cured: \$20,438.27 to the facility, \$15,000.00 paid for boiler/water heaters, \$1,300.00 for the appellant's recliner and TV, \$3,000.00 check to son for the purchase of a water heater delivered to appellant's address, and a \$3,000.00 deposit to the appellant's [REDACTED] account. The MassHealth representative testified that the bank statement check [REDACTED] to an unknown person on 9/01/20 for \$15,000.00 appears to be a duplicate inclusion in the transfer total, and MassHealth will remove this from the calculation.
27. The total amount of cured transfers is \$57,738.27.
28. MassHealth considers the following as disqualifying transfers: \$10,000.00 check dated 8/18/23 to daughter, \$15,000.00 check dated 2/05/21 to daughter, \$19,300.00 of unverified funds from 1/1/24 to 12/31/24 to daughter, \$2,000.00 in unverified funds to daughter, \$5,000.00 in unverified funds to daughter, \$6,300.00 in unverified funds to daughter from 1/01/25 to 7/08/25, and \$12,250.00 in unverified funds to daughter from 1/01/23 to 12/31/23.
29. \$57,738.27 in transfers were cured or removed by MassHealth, leaving \$62,850.00 of remaining disqualifying transfers.

Analysis and Conclusions of Law

MassHealth found that the appellant made disqualifying transfers of resources in excess of \$120,000.00 during the lookback period preceding the filing of her MassHealth application. The appellant's attorney argued that MassHealth erred by considering as disqualifying the uncured transfers of \$120,589.27; he contends they were made exclusively for a purpose other than to qualify for MassHealth pursuant to 130 CMR 520.019(F)(1). The State Medicaid Manual (HCFA Transmittal letter 64) at Section 3258.10 sets forth the following guidance to address transfers exclusively for a purpose other than qualifying for Medicaid:

The following definitions apply to transfers of assets.

1. Fair Market Value. Fair market value is an estimate of the value of an asset, if sold at the prevailing price at the time it was actually transferred. Value is based on criteria you use in appraising the value of assets for the purpose of determining Medicaid eligibility.

Note: For an asset to be considered transferred for fair market value or to be considered to be transferred for valuable consideration, the compensation received for the asset must be in tangible form with intrinsic value. A transfer for love and consideration, for example, is not considered a transfer for fair market value. Also,

while relatives and family members legitimately can be paid for care they provide to the individual, HCFA presumes that services provided for free at the time were intended to be provided without compensation. Thus, a transfer to a relative for care provided for free in the past is a transfer of assets for less than fair market value. However, an individual can rebut this presumption with tangible evidence that is acceptable to the State. For example, you may require that a payback arrangement had been agreed to in writing at the time services were provided.

2. Transfers Exclusively for a Purpose Other Than to Qualify for Medicaid.--Require the individual to establish, to your satisfaction, that the asset was transferred for a purpose other than to qualify for Medicaid. Verbal assurances that the individual was not considering Medicaid when the asset was disposed of are not sufficient. Rather, convincing evidence must be presented as to the specific purpose for which the asset was transferred.

(Department of Health and Human Services Health Care Financing Administration Transmittal No. 64. 11-94.)

Citing the above provision, the Massachusetts Appeals Court has recognized that “federal law mandates a heightened evidentiary showing” on the issue of exclusive intent. Gauthier v. Director of the Office of Medicaid, 80 Mass. App. Ct. 777, 785-786 (2011). The element of “exclusivity” under this provision means that the possibility of needing public assistance for medical care must not have weighed **at all** upon the appellant’s mind at the time the decision was made.

Evidence of the appellant’s intent, a memorandum from the appellant’s attorney, and testimony from her daughter, are insufficient to meet the appellant’s burden of proving that the appellant gave away her assets for less than fair market value exclusively for a purpose other than to qualify for Medicaid. Kaptchuk v. Dir. of Off. of Medicaid, 83 Mass. App. Ct. 1134, 988 N.E.2d 471 (2013)³ (citing Gauthier, 80 Mass. App. Ct. at 777, and finding that assertions made by an attorney on behalf of the client were insufficient to satisfy the burden of proving by convincing evidence that the money was transferred for an exclusive purpose other than to qualify for Medicaid). Additionally, the appellant’s daughter’s argument that she retired early so the appellant could remain in her home, demonstrating that there was no intent to qualify for MassHealth, is similarly unavailing; the appellant was admitted to a nursing facility once the appellant’s funds were depleted. The letter from the appellant’s physician, stating that the appellant would have required long-term care if not for the care her daughter provided, supports that the appellant anticipated a need for public benefits. There is no convincing evidence in the record that the uncured transfers of the appellant’s assets were made exclusively for a purpose other than to qualify for MassHealth.

The appellant submitted verifications to cure \$57,738.27 of the \$120,589.27, leaving \$62,850.00

³ Unpublished Memorandum and Order Pursuant to Rule 1:28, now Appeals Court Rule 23.

of remaining disqualifying transfers.

With respect to the \$57,738.27 in transfer cures accepted by MassHealth, this portion of the appeal is DISMISSED.

However, with regard to the balance of the transfers that were not cured, the appellant has not met her burden of showing that the transfers were exclusively for a purpose other than to qualify for MassHealth benefits. Accordingly, MassHealth's determination that the \$62,850.00 in total transfers were disqualifying transfers is supported by the evidence and the regulations. In addition, the divisor that should have been used to calculate the period of ineligibility is \$441 per day, not \$450 per day, pursuant to MassHealth Eligibility Operations Memo 25-16.

This portion of the appeal is therefore DENIED.

Order for MassHealth

Rescind the 11/26/25 denial notice. Issue a notice of implementation only, adjusting the disqualifying transfer amount to \$62,850.00, and imposing a penalty period of 143 days. Do not include appeal rights. Consider the appellant to be ineligible for MassHealth benefits from 8/12/25 to 1/1/26; her first day of coverage, if otherwise eligible, should be January 2, 2026.

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.

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.

Christine Therrien
Hearing Officer



cc: MassHealth Representative: Sylvia Tiar, Tewksbury MEC