

**Office of Medicaid  
BOARD OF HEARINGS**

**Appellant Name and Address:**



<b>Appeal Decision:</b>	Denied	<b>Appeal Number:</b>	2519148
<b>Decision Date:</b>	02/06/2026	<b>Hearing Date:</b>	01/26/2026
<b>Hearing Officer:</b>	Scott Bernard		

**Appearance for Appellant:**



**Appearance for MassHealth:**

Carmen Sola *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

<b>Appeal Decision:</b>	Denied	<b>Issue:</b>	Long-Term Care/Verifications
<b>Decision Date:</b>	02/06/2026	<b>Hearing Date:</b>	01/26/2026
<b>MassHealth's Rep.:</b>	Carmen Sola	<b>Appellant's Rep.:</b>	[REDACTED]
<b>Hearing Location:</b>	Taunton MassHealth Enrollment Center	<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 5, 2025, MassHealth denied the appellant's application for MassHealth Long-Term Care (LTC) benefits because MassHealth determined that she did not give MassHealth the information it needed to decide her eligibility within the required time frame. (See 130 CMR 515.008; 516.003, and Exhibit (Ex.) 1). Acting through her health care agent under an invoked health care proxy, the appellant timely filed this appeal on December 29, 2025. (See 130 CMR 610.004; 610.015(B) and Ex. 2, pp. 2, 3, 4). Denial of assistance is valid grounds for appeal. (See 130 CMR 610.032).

### Action Taken by MassHealth

MassHealth denied the appellant's application for LTC benefits because it determined that the appellant had not given MassHealth the information it needs to decide her eligibility within the required time frame.

### Issue

The appeal issue is whether MassHealth was correct, pursuant to 130 CMR 515.008 and 516.003, in determining that the appellant did not give MassHealth the information needed to decide her

eligibility.

## Summary of Evidence

MassHealth was represented by a benefit eligibility representative from the Taunton MassHealth Enrollment Center (MEC) and the appellant was represented by an individual the health care agent named in the December 29, 2025 appeal as the appeal representative. Both participants attended the hearing by telephone.

The MassHealth representative testified that the appellant is over the age of 65 and is seeking LTC benefits, requiring evaluation of her assets under the LTC eligibility rules. (Testimony; Ex. 3). MassHealth received the appellant's application for LTC benefits on September 22, 2025, and issued a denial notice dated November 5, 2025, because the appellant did not submit required verifications within the applicable time frame. (Testimony; Ex. 1; Ex. 6, p. 6).

The appellant holds a partial inherited interest in a piece of real property located in [REDACTED] as one of approximately sixteen heirs identified in probate materials submitted by the MassHealth representative, which indicate that the decedent who owned the property died around [REDACTED] (Testimony; Ex. 6, pp. 7–8, 10–11). As of the date of the hearing, MassHealth still required the appellant to submit some form of documentation explaining the probate status of that property, including whether a personal representative had been appointed to administer the decedent's estate, and whether the property has been sold or remains under the administration of the decedent's estate. (Testimony; Ex. 6, p. 7). Without documentation establishing that the inherited property remains under probate administration and that the appellant lacks legal access to the property, MassHealth could not determine that the appellant's interest is legally inaccessible or treat the asset as unavailable, particularly where the property could potentially be sold in the future and generate proceeds payable to the appellant. (Testimony).

The appeal representative, who is employed by the nursing facility, testified that the appellant did not sell the inherited property and has not received any proceeds from it. (Testimony; Ex. 2). The appeal representative submitted an email from a senior paralegal at a law office involved with the property, as described by the appeal representative, which stated that a contemplated sale did not materialize and was cancelled. (Testimony; Ex. 7, p. 8). Unresolved title issues prevented the sale and left the property in limbo for an extended period. (Testimony). The appeal representative stated that to her knowledge, no personal representative had been appointed to administer the decedent's estate. (Testimony). She stated that no documentation beyond the submitted email was available at the time of the hearing. (Testimony; Ex. 7, p. 8).

## Findings of Fact

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

1. The appellant is over the age of 65. (Testimony; Ex. 3).
2. MassHealth received the appellant's application for LTC benefits on September 22, 2025. (Testimony; Ex. 1; Ex. 6, p. 6).
3. MassHealth issued a denial notice dated November 5, 2025, because required verifications were not submitted within the applicable time frame. (Testimony; Ex. 1; Ex. 6, p. 6).
4. The appellant holds a partial inherited interest in real property located in [REDACTED] as one of approximately sixteen heirs identified in probate materials. (Testimony; Ex. 6, pp. 7–8, 10–11).
5. Probate materials indicate that the decedent who owned the property died around [REDACTED] (Testimony; Ex. 6, pp. 7–8, 10–11).
6. As of the date of the hearing, MassHealth required the appellant to submit documentation explaining the probate status of the inherited property, including whether a personal representative has been appointed and whether the property has been sold or remains under estate administration. (Testimony; Ex. 6, p. 7).
7. Without documentation establishing that the inherited property remains under probate administration and that the appellant lacks legal access to the property, MassHealth cannot determine that the appellant's interest in the inherited property is legally inaccessible or exclude it from consideration as a countable asset. (Testimony).
8. The appellant did not sell her share of the inherited property and did not receive any proceeds from it. (Testimony).
9. An email from a senior paralegal at the law office involved with the property stated that a contemplated sale did not materialize and was cancelled. (Testimony; Ex. 7, p. 8).
10. Unresolved title issues prevented the sale of the inherited property and left the property in limbo for an extended period. (Testimony).
11. As of the date of the hearing, no personal representative had been appointed to administer the decedent's estate to the appeal representative's knowledge. (Testimony).

## **Analysis and Conclusions of Law**

A MassHealth applicant must cooperate in providing information necessary to establish eligibility and must comply with all MassHealth rules and regulations. (130 CMR 515.008(A)). To determine eligibility, MassHealth may request corroborative information necessary to verify

assets and other eligibility factors and must specify a deadline for submission of such information. (130 CMR 516.001(B); 516.003(C)). When an applicant fails to submit requested verifications within the required time frame, MassHealth may deny benefits without reaching a substantive eligibility determination. (130 CMR 516.001(B)(2); 516.003(D)).

Ownership of any countable asset must be verified by written documentation providing reasonable evidence of ownership, and MassHealth determines whether submitted verification is acceptable. (130 CMR 520.005(D)). An inaccessible asset is one to which the applicant has no legal access, and MassHealth does not count such an asset for the period during which it remains inaccessible. (130 CMR 520.006(A)). Property whose ownership is the subject of probate proceedings may constitute an inaccessible asset; however, assets are considered accessible unless the applicant establishes that the asset remains legally inaccessible. (130 CMR 520.006(B); 520.006(C)(1)).

Under MassHealth regulations, accessibility is the default condition for assets and delayed or continued inaccessibility applies only when the applicant satisfies the regulatory criteria. (130 CMR 520.006(C)(1)). Accordingly, MassHealth may treat an asset as accessible from the later of the date of application or acquisition unless the applicant provides documentation sufficient to demonstrate that the asset remains legally inaccessible. (*Id.*). Where an applicant does not submit verification resolving legal access to an asset, MassHealth is not required to assume inaccessibility or to delay its eligibility determination. (130 CMR 520.005(D); 520.006(C)(1)).

In addition, MassHealth regulations require applicants to verify ownership and accessibility through written documentation, and MassHealth determines whether the documentation submitted is sufficient to establish eligibility. (130 CMR 520.005(D); 520.007(B)(3)). When documentation is incomplete, inconsistent, or insufficient to resolve ownership or access to an asset, MassHealth may request additional verification and may deny eligibility if the requested information is not submitted within the required time frame. (130 CMR 516.001(B); 516.003(D)).

Thus, although real property of a probate estate may qualify as an inaccessible asset under certain circumstances, MassHealth must first receive adequate documentation establishing the status of probate administration and the applicant's legal access to the property. (130 CMR 520.006(A), (B); 520.006(C)(1); 520.005(D)).

MassHealth denied the appellant's application for LTC benefits because required verifications were not submitted within the applicable time frame. At the time of the denial, MassHealth required documentation sufficient to determine the accessibility of the appellant's inherited share of a piece of real property located in Massachusetts, including documentation clarifying the status of probate administration and whether a personal representative had been appointed to administer the decedent's estate. As of the date of the hearing, MassHealth had not received documentation resolving those issues and therefore could not issue an eligibility determination.

At the hearing, the appeal representative asserted that the inherited property had not been sold and that the appellant had not received any proceeds from it, and she submitted an email indicating that a contemplated sale had been cancelled. However, the appeal representative also acknowledged that she was not aware of any appointed personal representative for the estate and that no documentation beyond the submitted email was available. The evidence presented was thin, and therefore did not establish whether the property remained subject to probate or whether the appellant's interest was legally inaccessible.

Because MassHealth did not receive documentation confirming the status of probate administration or identifying a personal representative, it could not determine whether the appellant's inherited interest in the property was inaccessible or available for eligibility purposes. Although probate property may constitute an inaccessible asset under MassHealth regulations, MassHealth must receive sufficient verification to make that determination. The absence of documentation resolving probate status prevented MassHealth from determining whether the property could potentially be sold and generate proceeds payable to the appellant.

The appeal representative did not contend that the requested verification was outside the scope of the denial or otherwise improper, but rather that the available evidence demonstrated that the property had not been sold. That argument is not persuasive. Evidence that a property has not been sold does not resolve whether the property remains subject to probate or whether a personal representative exists who could administer or dispose of the asset. Clarification of probate status is reasonably required to determine whether an inherited share of property is legally inaccessible.

Because MassHealth did not receive the documentation necessary to determine the accessibility of the inherited property, it was unable to complete its eligibility determination. Accordingly, MassHealth's denial of the application for failure to submit required verifications was consistent with applicable regulations.

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.

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Scott Bernard  
Hearing Officer  
Board of Hearings

  
cc: Justine Ferreira, Taunton MassHealth Enrollment Center, 21 Spring St., Ste. 4, Taunton, MA 02780