

# Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



<b>Appeal Decision:</b>	Approved on default	<b>Appeal Number:</b>	2177589
<b>Decision Date:</b>	11/26/2021	<b>Hearing Date:</b>	10/18/2021
<b>Hearing Officer:</b>	Christine Therrien		

Appearance for Appellant:



Appearance for MassHealth:

Default



*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>	Approved on default	<b>Issue:</b>	Nursing Facility Discharge
<b>Decision Date:</b>	11/26/2021	<b>Hearing Date:</b>	10/18/2021
<b>MassHealth's Rep.:</b>		<b>Appellant's Rep.:</b>	■
<b>Hearing Location:</b>	Taunton MassHealth Enrollment Center Room 2		

## Authority

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder.

## Jurisdiction

The appellant received a notice dated 9/21/21 stating the Vero Health and Rehab of Worcester intended to transfer him to the hospital and not readmit him. (Exhibit 1).

The appellant appealed this action timely on 9/30/21 (130 CMR 610.015(B) Exhibit 2)). Since the request for the hearing was received by the Board of Hearings during the notice period described in 130 CMR 610.015(B), the resident shall not be transferred or discharged from the nursing facility during the appeal process (130 CMR 610.030(A)).

On 10/14/21, the Board of Hearings issued a notice to both the nursing facility and the appellant that a hearing was to be held by phone on 10/18/21 at 10:45 a.m. (Exhibit 3).

At the appointed date and time of hearing, the appellant was contacted via telephone, but no one was available from the nursing facility when the facility was contacted. The Board of Hearings issued a letter dated 10/27/21 to the Administrator of the nursing facility, offering the facility the opportunity to show good cause for its failure to appear. (Exhibit 4). The letter further informed the nursing facility that failure to show good cause would result in the issuance of a decision in favor of appellant, ordering the facility to abandon the intended decision to discharge/transfer under the notice dated 9/21/21. The facility's written explanation was to have been received by the Board of Hearings within ten days of the date of the letter dated 10/27/21.

As of the date of this decision, the nursing facility has not replied to the Board of Hearing's letter.

The nursing facility has failed to contact the Board of Hearings to show good cause for their failure to attend the scheduled fair hearing, this inaction therefore results in the issuance of a decision in favor of appellant ordering the facility to abandon the intended transfer (130 CMR 610.048).

The appeal is therefore approved.

## **Order**

The nursing facility is hereby ordered not to proceed with the discharge/transfer per notice of 9/21/21.

## **Implementation**

If this nursing facility fails to comply with the above order, you should report this in writing to the Director of the Board of Hearings, at the address on the first page of this decision.

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Christine Therrien  
Hearing Officer  
Board of Hearings

cc: [REDACTED]