

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2178792
Decision Date:	01/21/2022	Hearing Date:	01/11/2022
Hearing Officer:	Scott Bernard		

Appearance for Appellant:




Appearance for MassHealth:

Michelle Carney (Owner) *via* telephone
Marta Subita (Administrator) *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:	Dismissed	Issue:	Nursing Facility Discharge
Decision Date:	01/21/2022	Hearing Date:	01/11/2022
Nursing Facility Rep.:	Michelle Carney; Marta Subita	Appellant's Rep.:	
Hearing Location:	Quincy Harbor South		

Authority

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

Through a notice dated October 28, 2021, the Nursing Facility informed the appellant of its intent to discharge her from the facility on November 27, 2021 for non-payment. (See 130 CMR 610.028 and Exhibit 1, pp. 4-6). The appellant filed this appeal in a timely manner on November 19, 2021. (See 130 CMR 610.015(B) and Ex. 1, p. 3). A discharge from a nursing facility is valid grounds for appeal (See 130 CMR 610.032). The Board of Hearings initially scheduled the hearing for December 14, 2021. (Ex. 2). On December 13, 2021, the appellant's attorney contacted the Board of Hearings and requested a postponement. The Board of Hearings rescheduled the hearing to January 11, 2022. (Ex. 3).

At the hearing, the nursing facility representatives decided to withdraw the discharge notice conceding that it did not fully comply with the requirements of 130 CMR 610.028. For the above stated reasons and in accordance with 130 CMR 610.051, the appeal is DISMISSED.

Order for the Nursing Facility

Rescind the October 28, 2021 notice. Do not discharge the appellant under this notice.

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 the 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.

Scott Bernard
Hearing Officer
Board of Hearings

cc:

[REDACTED]

[REDACTED]