

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Approved by default	Appeal Number:	2203545
Decision Date:	7/19/2022	Hearing Date:	06/08/2022
Hearing Officer:	Christine Therrien		

Appearance for Appellant:
Pro se

Appearance for MassHealth:

Interpreter:



*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:	Approved by default	Issue:	NF discharge
Decision Date:	7/19/2022	Hearing Date:	06/08/2022
Nursing Facility's Rep:	None	Appellant's Rep.:	Pro se
Hearing Location:	Telephonic		

Authority

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

Authority

This hearing was conducted pursuant to federal law and regulations at 42 U.S.C. §1396r and 42 CFR 483.10-483.206 and Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder.

Jurisdiction

The appellant received a notice dated 4/11/22 stating the Parkway Health and Rehab Center that the appellant, “after reasonable and appropriate notice, to pay for (or have failed to have Medicare or Medicaid pay for) your stay at the nursing facility.” (Exhibit 1).

The appellant appealed this action appeal timely on 5/11/22. (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 5/17/22, the Board of Hearings issued a notice to both the nursing facility and the appellant that a hearing was to be held on 6/8/22 at 10:00 a.m. (Exhibit 3).

At the appointed date and time of hearing, the appellant was contacted via telephone, but no appearance was made by the nursing facility. The Board of Hearings issued a letter dated 6/16/22 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 not readmit under notice of 4/11/22. The facility's written explanation was to have been received by the Board of Hearings within ten days of the date of the letter 6/16/22.

As of the date of this decision, the nursing facility has not replied to the Board of Hearing's letter of 6/16/22.

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 4/11/22.

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.

Christine Therrien
Hearing Officer
Board of Hearings

cc: Parkway Health and Rehab Center, 1190 VFW Parkway, West Roxbury, MA 02132