

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2207201
Decision Date:	10/27/2022	Hearing Date:	10/24/2022
Hearing Officer:	Susan Burgess-Cox		

Appearance for Appellant:
Pro se

Appearance for Nursing Facility:
Administrator



*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:	NH Discharge
Decision Date:	10/27/2022	Hearing Date:	10/24/2022
Nursing Facility Rep.:	Administrator	Appellant's Rep.:	Pro se
Hearing Location:	The Parties Appeared by Telephone		

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 August 26, 2022, the nursing facility, Brentwood Rehabilitation and Healthcare Center, issued a 30-Day Notice of Intent to Discharge a Resident as the safety of individuals at the nursing facility was endangered. (Exhibit 1). The appellant filed this appeal in a timely manner on September 26, 2022. (130 CMR 610.015(B); Exhibit 2). Notice of transfer or discharge from a nursing facility is valid grounds for appeal (130 CMR 610.032(C)).

At the time of the hearing, a representative from the nursing facility responded to a telephone call from the Hearing Officer to begin the hearing. The representative was not prepared to go forward with the hearing as they did not receive notice of the hearing time and date. The appellant had the same contact information as the nursing facility representative and did not appear at the hearing. The representative from the nursing facility confirmed that the notice from the Board of Hearings contained the correct address for both the facility and the appellant.

At the time of the scheduled hearing, the nursing facility representative stated that

they would rescind the Notice of Intent to Discharge. The appellant was not present to withdraw the appeal.

As matter at issue has been resolved, this appeal is dismissed.

Susan Burgess-Cox
Hearing Officer
Board of Hearings

cc:

Respondent: The Brentwood Rehab & Health Center, Attn: Administrator, 56
Liberty Street, Danvers, MA 01923