

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2209120
Decision Date:	12/20/2022	Hearing Date:	12/14/2022
Hearing Officer:	Scott Bernard	Record Open to:	12/21/2022

Appearance for Appellant:
Pro se via telephone

Appearance for the Nursing Facility:
Edith Mahoney, Administrator
Carol Sodevilla, Social Worker



*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:	Expedited Nursing Facility Discharge
Decision Date:	12/20/2022	Hearing Date:	12/14/2022
Nursing Facility's Rep.:	Edith Mahoney; Carol Soldevilla	Appellant's Rep.:	<i>Pro se</i>
Hearing Location:	Tewksbury MassHealth Enrollment Center		

Jurisdiction

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

Through a notice dated November 28, 2022, the nursing facility the Nursing Facility informed the appellant of its intent to discharge the appellant by November 29, 2022. (See 130 CMR 610.028(A)(2); 610.029(B)(2) and Exhibit (Ex.) 1). The appellant filed this appeal in a timely manner on November 28, 2022. (See 130 CMR 610.015(B) and Ex. 2). A discharge initiated by a nursing facility is valid grounds for appeal. (See 130 CMR 610.032).

The Board of Hearing held a hearing on this matter on December 14, 2022. (Ex. 2). The record was held open until December 21, 2022 for both parties to submit further information into the record. On December 20, 2022, the Nursing Facility faxed the Board of Hearing stating that they were going to withdraw their discharge notice because the appellant has been medically eligible for coverage by the local Aging Services Access Point. (Ex. 7).

The acting entity may make an adjustment in the matters at issue before or during an appeal period. (130 CMR 610.051(A)). If the parties' adjustment resolves one or more of the issues in dispute in favor of the appellant, the hearing officer, by written order, may dismiss the appeal in accordance with 130 CMR 610.035 as to all resolved issues, noting as the reason for such dismissal that the parties have reached agreement in favor of the appellant. (Id.). The nursing facility (the acting entity) has stated that they are no longer seeking to discharge the appellant. This resolves the one issue in front of the Board in favor of the appellant.

For the above stated reason, the appeal is DISMISSED.

Scott Bernard
Hearing Officer
Board of Hearings

cc:

Plymouth Rehabilitation and Health Care Center, Attn: Edith Mahoney, 123 South Street, Plymouth,
MA 02360