

# Office of Medicaid BOARD OF HEARINGS

**Appellant Name and Address:**



**Appeal Decision:** Dismissed

**Appeal Number:** 2304437

**Decision Date:** 6/12/2023

**Hearing Date:** 06/12/2023

**Hearing Officer:** Alexis Demirjian

**Appearance for Appellant:**  
Pro se

**Appearance for Nursing Home:**  
Kelly Bemis, Social Worker  
Peggy Cashman, Director of Nursing



*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>	Dismissed	<b>Issue:</b>	Nursing Home Discharge
<b>Decision Date:</b>	6/12/2023	<b>Hearing Date:</b>	06/12/2023
<b>Nursing Home's Rep.:</b>	Bemis Cashman	<b>Appellant's Rep.:</b>	Pro se
<b>Hearing Location:</b>	Remote	<b>Aid Pending:</b>	No

On June 12, 2023, a hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder. The issue on appeal involved a 30-day Notice of Intent to Discharge, dated [REDACTED] notifying the Appellant that the nursing facility intended to discharge him 30 days from the date of the notice.

During the hearing, the Fairhaven Healthcare Center rescinded the 30-day Notice of Intent to Discharge, thus there is no longer a 30-day Notice of Intent to Discharge pending and the issue on appeal is moot.

As noted during the hearing, the Appellant has a pending application for participation in the ABI/MFP waiver program and the Appellant is currently waiting for an evaluation to determine his eligibility under this program.

Fairhaven Healthcare Center may issue a new notice of discharge in the future, after a complete and thorough evaluation has been conducted by the Appellant's physician. Additionally, Fairhaven Health Care must engage in appropriate discharge planning.

If Fairhaven Healthcare Center issues a new notice, the Appellant shall have full rights to appeal, with regard to the new notice, to the Board of Hearings consistent with 130 CMR 610.015 (F).

As the issue of the May 19, 2023 Notice of Intent to Discharge has been resolved, the appeal is

dismissed.

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Alexis Demirjian  
Hearing Officer  
Board of Hearings

CC:

[REDACTED]