

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Dismissed	Appeal Number:	2312785
Decision Date:	12/20/2023	Hearing Date:	12/15/2023
Hearing Officer:	Scott Bernard		

Appearance for Appellant:

Pro se via telephone

Appearance for Nursing Home:

  (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:	Expedited Nursing Facility Discharge
Decision Date:	12/20/2023	Hearing Date:	12/15/2023
Nursing Facility's Rep.:	Christopher Gillissen	Appellant's Rep.:	<i>Pro se</i>
Hearing Location:	Chelsea MassHealth Enrollment Center		

Jurisdiction

This hearing was conducted pursuant to Massachusetts General Laws Chapter 118E, Chapter 30A, and the rules and regulations promulgated thereunder. On December 6, 2023, the nursing facility issued a notice to the appellant entitled "Notice of Intent Not to Readmit Resident Following Hospitalization or Other-Medical Leave of Absence from the Facility with Less than 30 Days' Notice (Expedited Appeal)" alleging "...[t]he health of individuals in the nursing facility would be otherwise endangered and this move is necessary for your own welfare and your needs cannot be met within the nursing facility. (See 130 CMR 610.028(A)(3),(4); 610.029(B)(1) and Exhibit (Ex.) 1). The appellant filed this appeal in a timely manner on December 8, 2023. (See 130 CMR 610.015(B) and Ex. 1). Nursing facility residents have the right to request an appeal of any nursing facility-initiated transfer or discharge. (See 130 CMR 610.032(C)). During the scheduled telephonic hearing, the appellant terminated the phone call. After calling the appellant a second time, the appellant stated that he wanted to withdraw his fair hearing request. BOH will dismiss a request for a hearing when an appellant has withdrawn a fair hearing request. (See 130 CMR 610.035(A)(2)).

For the above stated reason, the appeal is DISMISSED.

Order for Nursing Facility

None.

Scott Bernard
Hearing Officer
Board of Hearings

CC:

[REDACTED]