

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	APPROVED- DISMISSED	Appeal Number:	2402306
Decision Date:	3/25/2024	Hearing Date:	03/07/2024
Hearing Officer:	Kenneth Brodzinski	Record Open to:	03/18/2024

Appearance for Appellant:



Appearance for Nursing Facility:

DEFAULT



*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 - DISMISSED	Issue:	SNF Discharge
Decision Date:	3/25/2024	Hearing Date:	03/07/2024
SNF's Rep.:	DEFAULT	Appellant's Rep.:	Pro se
Hearing Location:	Quincy		

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

Through notice dated January 18, 2024, Stone Rehab and Senior Living informed Appellant of its intent to discharge Appellant from the facility (Exhibit A). Appellant filed this appeal in a timely manner on February 14, 2024 (see 130 CMR 610.015(B) and Exhibit A).

Since the request for the hearing was received by the Board of Hearings of the Office of Medicaid (BOH) during the notice period described in 130 CMR 610.015(B), the nursing facility must stay the planned discharge until 30 days after a decision is rendered on a fair hearing. While the stay is in effect, the resident shall not be transferred or discharged from the nursing facility [see 130 CMR 610.030(A)].

BOH issued notice to both the nursing facility and Appellant that a hearing was to be held on March 7, 2024 (Exhibit B).

At the appointed date and time of hearing, Appellant and her authorized representative appeared, but no appearance was made by the nursing facility. The Board of Hearings issued a letter dated March 7, 2024 to the Administrator of the nursing facility offering the facility the opportunity to show good cause for its failure to appear (Exhibit C). The letter further informed the nursing facility that failure to show good cause within ten days of the letter would result in the issuance of a decision in favor of Appellant ordering the facility to abandon the intended transfer under notice of January 18, 2024 (Exhibit C). As of the due date of March 18, 2024 and the date of this decision, the nursing facility has made no reply to the Board's letter of March 7, 2024.

For the foregoing reasons, Appellant's appeal of the subject notice is APPROVED and the matter is DISMISSED due to the nursing facility's default.

Order

The nursing facility is hereby ordered NOT to proceed with the transfer per notice of January 18, 2024.

Notification of Your Right to Appeal to Court

If you disagree with this decision, you have the right to appeal to Court in accordance with Chapter 30A of the Massachusetts General Laws. To appeal, you must file a complaint with the Superior Court for the county where you reside, or Suffolk County Superior Court, within 30 days of your receipt of this decision.

Compliance with this Decision

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, Office of Medicaid, at the address on the first page of this decision.

Kenneth Brodzinski
Hearing Officer
Board of Hearings

cc:

Adminstrator, Stone Rehab & Senior Living, 277 Elliot Street, Newton, MA 02464

[REDACTED]