

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:



Appeal Decision:	Approved by Default	Appeal Number:	2412172
Decision Date:	09/17/2024	Hearing Date:	08/20/2024
Hearing Officer:	Mariah Burns		

Appearance for Appellant:



Appearance for Nursing Facility:

None



*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 by Default	Issue:	Nursing Facility Discharge
Decision Date:	09/17/2024	Hearing Date:	08/20/2024
Nursing Facility Rep.:	None	Appellant's Rep.:	Pro se
Hearing Location:	Remote	Aid Pending:	No

Jurisdiction

Through a notice dated July 8, 2024, Agawam North Rehab & Nursing issued a notice of intent to transfer/discharge the appellant from the facility. *See* Exhibit 1. The notice stated that the facility seeks to discharge the appellant to an unspecified location in no less than 30 days, because he has failed to pay for his stay at the nursing facility. The appellant submitted a timely request for a fair hearing on August 7, 2024. *See* Exhibit 2, 130 CMR 610.015(B). Notification of intent to discharge an individual from a nursing facility is a valid basis for appeal *See* 130 CMR 610.032.

Summary and Decision

On August 7, 2024, the Board of Hearings issued notice to the appellant and to the Administrator of the facility that a hearing was to be held, by telephone, at 2:00 p.m. on August 20, 2024. *See* Exhibit 3. At the appointed date and time of hearing, the hearing officer informed the receptionist of the purpose of the call and was connected to the administrator's office. The administrator did not answer the phone, and the hearing officer left a message that a follow-up call would be made in five minutes. During that second follow-up call, the receptionist did not answer the phone, and a second message was left that a show-cause letter would issue.¹ On August 27, 2024, the Board of Hearings sent a letter to the Administrator of the facility noting the date and time of the scheduled hearing and the facility's failure to appear or request a rescheduling prior to the date of the hearing. *See* Exhibit 4. The letter states that pursuant to M.G.L., c. 30A and 118E and 130 CMR 610.048, the Board of Hearings will issue a decision favorable to the appellant resident and order the respondent nursing facility to rescind the proposed notice of discharge, unless the nursing facility can demonstrate good cause for

¹ The Hearing Officer was able to contact the appellant's representatives, who reported that they were ready and prepared to go forward with a hearing.

not attending the scheduled hearing and why it did not inform the Board of Hearings before the date of hearing. Such an explanation was due at the Board of Hearings within 10 days of the date of the letter. The nursing facility did not respond to the letter.

As the nursing facility chose not to appear to dispute the appellant's challenge to its intended notice of discharge, the appellant's appeal of such notice is approved.

Order

The nursing facility is hereby ordered to rescind the Notice of Intent to Transfer or Discharge dated July 8, 2024. If the appellant has already been discharged, the nursing facility is ordered to re-admit the appellant or otherwise reverse the effect of such notice of discharge.

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.

Mariah Burns
Hearing Officer
Board of Hearings

