

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision: Denied

Appeal Number: 2509545

Decision Date:

08/01/2025

Hearing Date:

July 21, 2025

Hearing Officer:

Stanley M. Kallianidis

Appellant Representative:

Pro Se

Facility Representative:



***Commonwealth of Massachusetts
Executive Office of Health and Human Services
Office of Medicaid
Board of Hearings
100 Hancock Street, 6th Floor
Quincy, MA 02171***

APPEAL DECISION

Appeal Decision:	Denied	Issue:	Nursing Facility Discharge-Improved Health
Decision Date:	08/01/2025	Hearing Date:	July 21, 2025

Authority

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

Jurisdiction

In a notice dated [REDACTED], the respondent nursing home, [REDACTED], (herein after "the facility") planned to discharge the appellant because "he no longer requires/needs the services provided at the facility" (Exhibit 1). The appellant filed this appeal in a timely manner on [REDACTED] (see 130 CMR 610.015 and Exhibit 2). A nursing facility initiated discharge is valid grounds for appeal (see 130 CMR 610.032).

On July 2, 2025, notice of the hearing was sent to the parties (Exhibit 3).

Action Taken by the Facility

The facility plans to discharge the appellant because he no longer needs the services provided by the nursing facility.

Issue

Pursuant to 130 CMR 610.028, whether the appellant's discharge is authorized because he no longer needs the services provided by the nursing facility.

Summary of Evidence

On [REDACTED], the facility issued a notice of discharge to the appellant, stating as the discharge reason that the appellant no longer needs the services provided by the nursing facility (Exhibit 1). A representative from the facility testified that the appellant, an adult male under 65 years of age, was admitted to the facility from a hospital in [REDACTED]. His diagnoses were suicidal ideation, arthritis, epilepsy, and hypertension (Exhibit 4).

The representative stated that the basis for the discharge is that the appellant completed his physical and occupational therapy and no longer needs the services provided by the nursing facility. She testified that the appellant is independent with all his activities of daily living and has no skilled nursing needs. His mood is stable and controlled with medication. She stated that the appellant leaves the facility on a regular basis for long periods of time. The representative added that the appellant has been abusing alcohol in the facility and that this has led to the injury of staff and residents. She acknowledged, however, that the appellant's behavior was not indicated as grounds for discharge from the facility on his discharge notice (Exhibit 4).

On [REDACTED], the appellant's physician recommended the appellant's discharge to the community given the stability of his conditions, his compliance with his psychiatric medications, and the completion of his physical and occupational therapy (Exhibit 4, p. 11).

The facility representative testified that the appellant's place of discharge is the St. [REDACTED] [REDACTED] (Exhibit 1). The appellant was homeless when he arrived at the facility and a homeless shelter was deemed as an appropriate place of discharge for him. The facility representative further testified that the facility has provided the appellant with discharge planning and has coordinated his care with his physician and social worker.

The appellant did not dispute any of the testimony of the facility representative. He testified that he is ready to be discharged into the community but wants to check with his sister first. He also testified that he wanted to make sure that he has enough money before he is discharged and wants to wait until he receives his next Social Security check. The appellant did not object to being discharged to a homeless shelter.

Findings of Fact

Based on a preponderance of the evidence, I find the following:

1. On [REDACTED], the facility issued a notice of discharge to the appellant, stating as the discharge reason that the appellant no longer needs the services provided by the nursing facility (Exhibit 1).

2. The appellant, an adult male under 65 years of age, was admitted to the facility from a hospital in [REDACTED]. His diagnoses were suicidal ideation, arthritis, epilepsy, and hypertension (Exhibit 4).
3. The appellant completed his physical and occupational therapy. He is independent with all his activities of daily living and has no skilled nursing needs. His mood is stable and controlled with medication (Exhibit 4).
4. On [REDACTED] the appellant's physician recommended the appellant's discharge to the community given the stability of his conditions, his compliance with his psychiatric medications, and the completion of his physical and occupational therapy (Exhibit 4. p. 11).
5. The appellant's place of discharge is the [REDACTED] (Exhibit 1).
6. The facility has provided the appellant with discharge planning and has coordinated his care with his physician and social worker (Exhibit 4 and testimony).

Analysis and Conclusions of Law

With regard to nursing facility-initiated discharges, a resident may be discharged when his/her health has improved sufficiently so that the resident no longer needs the services provided by the nursing facility (130 CMR 610.028(A)(2)). The reason for the discharge must be documented by the resident's physician in the clinical record (130 CMR 610.028(B)).

The nursing facility must meet the requirements of all other applicable federal and state regulatory requirements in addition to the MassHealth-related regulations discussed above, including MGL c.111, §70E, which states in pertinent part that

A resident, who requests a hearing pursuant to section 48 of chapter 118E, shall not be discharged or transferred from a nursing facility licensed under section 71 of this chapter, unless a referee determines that the nursing facility has provided sufficient preparation and orientation to the resident to ensure safe and orderly transfer or discharge from the facility to another safe and appropriate place.

In the instant case, the appellant was issued a notice of discharge from the facility because his health has improved, and as a result, he no longer needs the care of a skilled nursing facility. In addition, a physician at the facility has cleared him for discharge finding that he is compliant with his psychiatric medications and that he is in stable condition.

The record shows that the appellant, an adult male under 65 years of age, was admitted to the facility from a hospital in late 2024, with diagnoses including suicidal ideation, arthritis, epilepsy, and hypertension. Since that time, the appellant has completed his physical and occupational

therapy, was found to be independent with all his activities of daily living, and needs no skilled nursing. His mood has also improved.

The facility plans to discharge the appellant to [REDACTED] The facility has provided discharge planning and has coordinated his care with his physician. I find that this complies with the discharge requirements of MGL c.111, §70E.

The record confirms that the appellant's care has improved so that he no longer requires the care of the facility, and the facility has planned his discharge in accordance with the requirements set forth above. I therefore conclude that the facility may discharge the appellant as planned.

The appeal is denied.

Order for the Facility

Proceed with planned discharge, to be implemented no less than 30 days after the date of this decision.

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.

Stanley M. Kallianidis
Hearing Officer
Board of Hearings

cc:

Administrator
[REDACTED]