

Office of Medicaid BOARD OF HEARINGS

Appellant Name and Address:

[REDACTED]

Appeal Decision:	DENIED	Appeal Number:	2510251
Decision Date:	08/21/2025	Hearing Date:	08/01/2025
Hearing Officer:	Kenneth Brodzinski		

Appearance for Appellant:

[REDACTED]

Appearance for SNF Facility:

[REDACTED] (Administrator) with [REDACTED]
[REDACTED] and [REDACTED],
RN



*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:	DENIED	Issue:	SNF Discharge
Decision Date:	08/21/2025	Hearing Date:	08/01/2025
SNF's Rep.:	[REDACTED]	Appellant's Rep.:	Pro se
Hearing Location:	Tewksbury MEC		

Authority

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

Jurisdiction

Through a 30-Day Notice of Intent to Discharge Appellant dated June 20, 2025, the skilled nursing facility, [REDACTED] (the facility") informed Appellant of the facility's intent to discharge to her son's home for failing to pay after reasonable and appropriate notice (130 CMR 610.028; 130 CMR 456.701; and Exhibit A). An appeal was timely filed on July 10, 2025 (130 CMR 610.015(B); 130 CMR 456.703; and Exhibit A). Challenging a notice of intent to discharge from a skilled nursing facility constitutes valid grounds for appeal (130 CMR 610.032(C)).

Action Taken by the Nursing Facility

The nursing facility notified Appellant that it seeks to discharge her due to failure to pay.

Issue

The appeal issue is whether or not the nursing facility can discharge Appellant under the notice of June 20, 2025 pursuant to the governing state and federal regulations including, but not limited to 130 CMR 610.028 and 130 CMR 456.701.

Summary of Evidence

Both parties appeared by telephone. The facility filed a packet of documents including *inter alia* copies of the clinical and billing records (collectively, Exhibit B) and a copy of the complete Intent to Discharge Notice (Exhibit D). Appellant filed a packet of documents including copies of selective medical records with extensive cursive notations made by Appellant as well as copies of several community/civic citations (Exhibit C).

The facility representatives testified that Appellant entered the rehabilitation facility on [REDACTED] after being discharged from the hospital where she had been admitted after sustaining a number of falls. The facility representatives testified that Appellant is fully ambulatory and independent with all of her activities of daily living (also, see last page of Exhibit B).

The facility representatives testified that by the date of hearing, Appellant has a bill for two months of services, room & board totaling \$24,000.00. Appellant has repeatedly refused to file an application for MassHealth, has made no effort to pay the facility and has refused to say how she intends to pay the facility. Appellant has also refused to participate in any discharge planning.

Upon question by the hearing officer, Appellant acknowledged that she has been billed by the facility. When the hearing officer asked Appellant if and how she intends to pay the bill, Appellant replied that was her business and not the business of the hearing officer.

Appellant asserted that she is a well-respected member of the community.

Findings of Fact

Based on a preponderance of the evidence, this record supports the following findings:

1. Appellant entered the rehabilitation facility on [REDACTED] after being discharged from the hospital where she had been admitted after sustaining a number of falls.
2. Appellant is fully ambulatory and independent with all of her activities of daily living (also, see last page of Exhibit B).
3. By the date of hearing, Appellant had a bill for two months of services room & board totaling \$24,000.00.

4. Appellant has knowledge of the outstanding bill.
5. Appellant has repeatedly refused to file an application for MassHealth, has made no effort to pay the facility, and has refused to say how she intends to pay the facility.
6. The facility issued a 30-Day Intent to Discharge Notice to Appellant dated June 20, 2025 (Exhibit D).
7. Appellant refused to participate in any discharge planning.
8. When the hearing officer asked Appellant if and how she intends to pay the bill, Appellant replied that was her business and not the business of the hearing officer.

Analysis and Conclusions of Law

The issue on appeal is limited to whether the nursing facility is acting in compliance with federal and state law governing the discharge of nursing facility residents in its attempt to discharge Appellant.

Massachusetts's regulations at 130 CMR 610.028, which embody federal regulations at 42 CFR Ch. IV §483.12, require the following:

Notice Requirements Regarding Actions Initiated by a Nursing Facility

(A) A resident may be transferred or discharged from a nursing facility only when:

(1) the transfer or discharge is necessary for the resident's welfare and the resident's needs cannot be met in the nursing facility;

(2) the transfer or discharge is appropriate because the resident's health has improved sufficiently so that the resident no longer needs the services provided by the nursing facility;

(3) the safety of individuals in the nursing facility is endangered;

(4) the health of individuals in the nursing facility would otherwise be

endangered;

(5) the resident has failed, after reasonable and appropriate notice, to pay for (or failed to have the MassHealth agency or Medicare pay for) a stay at the nursing facility; or

(6) the nursing facility ceases to operate.

The nursing facility has set forth proper and adequate grounds to discharge Appellant in that it has demonstrated that Appellant does owe for services rendered to her (130 CMR 600.028(A)(5)). Appellant has refused to make any attempt to satisfy the outstanding charges.

A review of the subject notice of June 20, 2025 (Exhibit D) supports a finding that it meets the notice requirements set forth at 130 CMR 610.028.

Appellant did not dispute the facility's assertion that she has refused to engage in any discharge planning. That is her prerogative, but in so doing she has obviated the requirements of M.G.L. c.111, §70E. Additionally, given the fact that Appellant is fully ambulatory and independent with her activities of daily living, there is no basis to conclude that a safe and effective discharge is in question.

For the foregoing reasons, the appeal is DENIED.

Order for Nursing Facility

Proceed with the discharge pursuant to notice date June 20, 2025.

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.

Implementation of this Decision

If you experience problems with the implementation of this decision, you should report this in writing to the Director of the Board of Hearings at the address on the first page of

this decision.

Kenneth Brodzinski
Hearing Officer
Board of Hearings

cc:

Respondent:

[REDACTED]