

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:



Appeal Decision:	Approved by Default	Appeal Number:	2513051
Decision Date:	9/17/2025	Hearing Date:	09/15/2025
Hearing Officer:	Marc Tonaszuck		

Appearance for Appellant:

Pro se

**Appearance for CareOne at Holyoke Skilled
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 – Improved Health
Decision Date:	9/17/2025	Hearing Date:	09/15/2025
Skilled Nursing Facility Rep.:	None	Appellant’s Rep.:	Pro se
Hearing Location:	Springfield MassHealth Enrollment Center	Aid Pending:	No

Authority

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

Jurisdiction/Procedural History

Through a notice dated 09/02/2025, [REDACTED] skilled nursing facility [REDACTED] or "the facility") issued a Notice of Intent to Discharge or Transfer Resident with Less Than 30 Days' Notice ("Expedited Appeal" or "Notice") the appellant from the facility on [REDACTED] 2025. The notice stated that the Facility seeks to discharge the appellant to [REDACTED] because "an immediate discharge is required due to your urgent medical needs as documented by your attending physician" (Exhibit 1). In response to this notice, the appellant submitted a timely request for a fair hearing to the Board of Hearings (BOH) on 09/08/2025 (Exhibit 2) (130 CMR 610.015(B)). Challenging the notice of intent to transfer an individual from a nursing facility is a valid basis for appeal to the BOH (130 CMR 610.032). The filing of such an appeal stays any attempt to transfer or discharge pursuant to 130 CMR 610.030.

On 09/09/2025, BOH issued a scheduling notice which was mailed to the attention of the appellant and the representatives from the facility. The scheduling notice stated that BOH would hold a fair hearing by telephone 2:00 p.m. on 09/15/2025 (Exhibit 3). At the appointed date and time of hearing, the hearing officer called the administrator of the facility. The hearing officer reached the administrator's voice mail and left a message. The hearing officer called the main telephone number

for the facility and reached a woman named [REDACTED] who said she did not know the status of the hearing or anything about the proposed discharge/transfer. She transferred the hearing officer to [REDACTED] from the facility. She also did not know about the hearing or who would represent the facility. She gave the telephone to the appellant who stated he still needs the hearing. No one from the facility called the BOH prior to the hearing date to request to reschedule the hearing.

Regulations at 130 CMR 610.029 address time frames for notices issued by nursing facilities, as follows:

(A) The notice of discharge or transfer required under 130 CMR 610.028 must be made by the nursing facility at least 30 days before the date the resident is to be discharged or transferred, except as provided for under 130 CMR 610.029(B) and (C).

(B) In lieu of the 30-day-notice requirement set forth in 130 CMR 610.029(A), the notice of discharge or transfer required under 130 CMR 610.028 must be made as soon as practicable before the discharge or transfer in any of the following circumstances, which are considered to be emergency discharges or emergency transfers.

(1) The health or safety of individuals in the nursing facility would be endangered and this is documented in the resident's record by a physician.

(2) The resident's health improves sufficiently to allow a more immediate transfer or discharge and the resident's attending physician documents this in the resident's record.

(3) An immediate transfer or discharge is required by the resident's urgent medical needs and this is documented in the medical record by the resident's attending physician.

(4) The resident has not lived in the nursing facility for 30 days immediately before receipt of the notice.

(C) When the transfer or discharge is the result of a nursing facility's failure to readmit a resident following hospitalization or other medical leave of absence, the notice of transfer or discharge, including that which is required under 130 CMR 456.429: *Medical Leave of Absence: Failure to Readmit*, must comply with the requirements set forth in 130 CMR 456.701: *Notice Requirements for Transfers and Discharges Initiated by a Nursing Facility*, and must be provided to the resident and an immediate family member or legal representative at the time the nursing facility determines that it will not readmit the resident.

(D) Appeals of discharges and transfers listed in 130 CMR 610.029(B) and (C) will be handled under the expedited appeals process described in 130 CMR 610.015(E) and (F).

(Emphasis added.)

Pursuant to 130 CMR 610.046(A), BOH is required to mail written notice of a hearing to the parties and any representative(s) in advance of the hearing date. Here, the notice of hearing was properly mailed on 09/09/2025 to all parties entitled to receive notice prior to the scheduled hearing date of 09/15/2025. The notice of hearing was mailed to attention of the administrator at the correct address of [REDACTED]. This is the same address that appears on the notice of intent to discharge, as well as all correspondence from facility. As of 09/15/2025, BOH has not received any returned mail or other evidence suggesting that the 09/09/2025 scheduling notice sent to the administrator was not delivered to the facility. There is nothing in the hearing record demonstrating that BOH failed to provide adequate written notice of the date and time of hearing to

