

**Office of Medicaid
BOARD OF HEARINGS**

Appellant Name and Address:

[REDACTED]

Appeal Decision:	Denied	Appeal Number:	2513737
Decision Date:	01/09/2026	Hearing Date:	November 18, 2025
Hearing Officer:	Stanley Kallianidis		

Appellant Representative:

[REDACTED]

PACE Representatives:

[REDACTED], Esq.; [REDACTED], Summit ElderCare



*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:	PACE Disenrollment
Decision Date:	01/09/2026	Hearing Date:	November 18, 2025
PACE Reps.:	[REDACTED] Esq.;	Appellant Rep.:	[REDACTED]
Hearing Location:	Telephonic	Aid Pending:	Yes

Authority

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

Jurisdiction

The appellant received notice of his planned disenrollment from Summit ElderCare PACE program dated August 21, 2025 (Exhibit 1). The appellant appealed the action in a timely manner on September 19, 2025 and was given aid-pending benefits during the appeals process (130 CMR 610.015(B) and Exhibit 2). A dispute over PACE eligibility is valid grounds for appeal (130 CMR 610.032).

Notice of the hearing was sent to the parties on October 20, 2025 following the appellant being granted a reschedule of a prior hearing date (Exhibits 3 & 4).

Action Taken by PACE

Summit ElderCare planned to disenroll the appellant from its PACE program.

Issue

Was from Summit ElderCare correct in its decision to involuntarily disenroll the appellant from its PACE program?

Summary of Evidence

A representative from Summit ElderCare submitted a packet consisting of the appellant's PACE records into evidence and testified in regards its decision to involuntarily disenroll the appellant, an elderly male and member of PACE program since December 2023 (Exhibit 5). Summit ElderCare PACE notified the appellant on August 21, 2025 that it planned to involuntarily disenroll him from PACE because he refused to comply with his individual plan of care and terms of his enrollment agreement in not moving to a setting that meets his care needs (Exhibit 1).

The appellant has a history of congestive heart failure, alcohol abuse, anxiety and depression, and a history of hospitalizations for falls. He currently lives in a second floor apartment but is unable to manage stairs. In [REDACTED] he experienced 22 falls, two of which resulted in serious injuries. Through [REDACTED] he experienced 9 additional falls, three of which were serious, and two hip fractures (Exhibit 5).

Summit ElderCare determined that the appellant's current living environment does not meet his needs as he is at significant risk of future injury, including life threatening falls. Because of this risk, the appellant was offered alternative living arrangements that provided the continuous support and supervision that he requires. However, the appellant and his family turned down the rest homes and assisted living facilities that have been offered to him. The Summit ElderCare testified that by refusing to move to an appropriate setting, the appellant is in violation of his PACE agreement, and that his voluntary disenrollment is in accordance with the PACE regulations found at 42CRFR 460.164 (Exhibit 5).

The appellant testified that he plans to move to a first floor apartment shortly. He testified that he declined the alternative living arrangements offered to him as one of the units was in an unsafe area and the other was unsanitary and lacked adequate living conditions. An additional option was suggested, but this was too far from his present location and his family. The appellant and his son requested that the appellant remain with PACE as he needs the services that the program provides.

Findings of Fact

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

1. The appellant is an elderly male who has been a member of Summit ElderCare PACE since December 2023 (Exhibit 5).
2. On August 21, 2025, Summit ElderCare notified the appellant that it planned to involuntarily disenroll him from its PACE program because he refused to comply with his individual plan of care and terms of his enrollment agreement in not moving to a setting that meets his care needs (Exhibit 1).

3. The appellant has a history of congestive heart failure, alcohol abuse, anxiety and depression, and a history of hospitalizations for falls. He currently lives in a second floor apartment but is unable to manage stairs (Exhibit 5).
4. In [REDACTED], he experienced 22 falls, two of which resulted in serious injuries. Through [REDACTED] he experienced 9 additional falls, three of which were serious, and two hip fractures (Exhibit 5).
5. The appellant was offered alternative living arrangements, such as rest homes and assisted living facilities that would provide continuous support and supervision (Exhibit 5).
6. To date, the appellant has declined the alternative living arrangements offered to him and continues to live in an unsupervised setting (Exhibit 5 & testimony).

Analysis and Conclusions of Law

The PACE program is a comprehensive health program that is designed to keep frail, older individuals who are certified eligible for nursing facility services living in the community. (a) A complete range of health care services is provided by one designated community based program with all medical and social services coordinated by a team of health professionals. (b) The MassHealth agency administers the program in Massachusetts as the Elder Service Plan (ESP). (c) Persons enrolled in PACE have services delivered through managed care 1. in day-health centers; 2. at home; and 3. in specialty or inpatient settings, if needed (130 CMR 519.007).

With regard to the voluntary disenrollment from PACE, 42 CFR 460.164 states the following:

460.164 Involuntary disenrollment.

(a) *Effective date.* A participant's involuntary disenrollment occurs after the PACE organization meets the requirements set forth in this section and is effective on the first day of the next month that begins 30 days after the day the PACE organization sends notice of the disenrollment to the participant.

(b) *Reasons for involuntary disenrollment.* A participant may be involuntarily disenrolled for any of the following reasons:

(1) The participant, after a 30-day grace period, fails to pay or make satisfactory arrangements to pay any premium due the PACE organization.

(2) The participant, after a 30-day grace period, fails to pay or make satisfactory arrangements to pay any applicable Medicaid spend down liability or any amount due under the post-eligibility treatment of income process, as permitted under §§ 460.182 and 460.184.

(3) The participant or the participant's caregiver engages in disruptive or threatening behavior, as described in paragraph (c) of this section.

(c) Disruptive or threatening behavior.

(1) For purposes of this section, a participant who engages in disruptive or threatening behavior refers to a participant who exhibits either of the following:

- (i) A participant whose behavior jeopardizes his or her health or safety, or the safety of others; or
- (ii) A participant with decision-making capacity who consistently refuses to comply with his or her individual plan of care or the terms of the PACE enrollment agreement.

(4) The participant engages in disruptive or threatening behavior, as described in paragraph (c) of this section.

In this case, Summit ElderCare notified the appellant that it planned to involuntarily disenroll him from PACE because he refused to comply with his individual plan of care and terms of his enrollment agreement in not moving to a setting that meets his care needs. The appellant has a history of congestive heart failure, alcohol abuse, anxiety and depression, and a history of hospitalizations for falls. He currently lives in a second floor apartment but is unable to manage stairs.

I have found that in [REDACTED] he experienced 22 falls, two of which resulted in serious injuries. Through [REDACTED], he experienced 9 additional falls, three of which were serious, and two hip fractures. The appellant was offered alternative living arrangements with supervision, such as rest homes and assisted living facilities that would provide him with continuous support. To date, he has declined the alternative living arrangements offered to him and continues to live in an unsupervised setting at great risk to his health.

A participant may be involuntarily disenrolled from PACE pursuant to 42 CFR 460.164(c) if his actions jeopardize his health and he refuses to comply with his plan of care. As has been indicated, the appellant has refused to comply with his plan of care by refusing to move to a supervised setting as has been requested of him and his family. This is putting him at risk of another serious injury.

The appellant has been offered alternative housing arrangements, all of which he has declined. While the appellant has indicated that these alternatives living situations were not acceptable to him, this is not a valid reason for him to be out of compliance with his plan of care as he and his family could have picked a supervised living arrangement of their own choosing at any time.

The appeal is therefore denied.

Order for PACE

The appellant's disenrollment from PACE is authorized.

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 Kallianidis
Hearing Officer
Board of Hearings

cc:

[REDACTED]

[REDACTED]