WEST VIRGINIA OFFICE OF INSPECTOR GENERAL
BOARD OF REVIEW

[redacted]

Resident,

v. **Action Number: 26-BOR-2505**

CAMERON HEALTHCARE CENTER,

Facility.

DECISION OF STATE HEARING OFFICER

INTRODUCTION

This is the decision of the State Hearing Officer resulting from a fair hearing for [redacted] This hearing was held in accordance with the provisions found in Chapter 700 of the Office of Inspector General Common Chapters Manual. This fair hearing was convened on September 8, September 23, and October 14, 2026.

The matter before the Hearing Officer arises from the Facility's July 15, 2026 decision to discharge the Resident from the Facility.

At the hearing, the Facility was represented by Michele Marcase, Facility Business Office Manager. Appearing as a witness on behalf of the Facility was Courtney Narick, Facility Unit Manager. The Resident appeared and represented himself. All representatives and witnesses were placed under oath, and the following exhibits were admitted as evidence:

Facility's Exhibits:
F-1 Discharge Notice, dated July 15, 2026
Discharge Notice, Dated June 16, 2026
West Virginia Bed Hold Policy
Collections Activity Notes
Progress Notes
Notes by Kevin Schmucker, PhD
Test and Assessment Reports by James Jefferson

Resident's Exhibits:
None

After a review of the record, including testimony, exhibits, and stipulations admitted into evidence at the hearing, and after assessing the credibility of all witnesses and weighing the evidence in consideration of the same, the Hearing Officer sets forth the following Findings of Fact.

FINDINGS OF FACT

1) The Resident was admitted to the Facility on May 26, 2026.

2) On July 13, 2026, the Resident was notified by the West Virginia Department of Human Services (DoHS) of his Medicaid approval and $896.90 monthly patient responsibility amount.

3) On July 15, 2026, the Facility issued a written notice advising the Resident he would be discharged on August 13, 2026, to his residence, because of non-payment for his stay at the Facility. (Exhibit F-1)

4) The Resident was aligned for a caregiver to visit his home for one hour daily upon discharge. (Exhibit F-1)

5) On July 16, 2026, Ms. Marcase spoke with the Resident about his outstanding patient balance and discharge notice. (Exhibit F-1)

6) At the time of the Facility's decision to discharge the Resident, his patient responsibility balance was $1,194.90. (Exhibit F-1)

7) On July 20, 2026, Ms. Marcase recorded in the Resident's record that the Resident refused to pay his DoHS determined patient responsibility amount. (Exhibit F-1)

8) On July 30, 2026, the Facility received a $50 payment from the Resident. (Exhibit F-1)

9) Ms. Marcase discussed the Resident's balance and need for payment on June 8, June 9, June 10, June 22, June 24, June 25, July 6, July 7, July 8, July 9, July 10, July 13, July 14, July 15, July 16, July 20, July 21, July 23, August 6, August 7, August 12, and August 24, 2026. (Exhibit F-1)

10) Notes by Kevin Schmucker, PhD., did not reveal failure to make payment as a basis for discharge in the Appellant's record.

APPLICABLE POLICY

Code of Federal Regulations 42 CFR § 483.15(c)(1)(i)(E) ***Transfer and Discharge*** provides that the facility must permit each resident to remain in the facility, and not transfer or discharge the resident from the facility unless: the resident has failed, after reasonable and appropriate notice, to pay for a stay at the facility. … For a resident who becomes eligible for Medicaid after admission to a facility, the facility may charge a resident only allowable charges under Medicaid

Code of Federal Regulations 42 CFR § 483.15(c)(2) ***Documentation*** provided that when the facility transfers or discharges a resident under any of the circumstances specified in paragraphs (c)(1)(i)(A) through (F) of this section, the facility must ensure that the transfer or discharge is documented in the resident's medical record and appropriate information is communicated to the receiving health care institution.
(i) Documentation in the resident's medical record must include:
(A) The basis for the transfer per paragraph (c)(1)(i) of this section.

West Virginia Code §§ 64-13-4(13)(2)(d) ***Transfer and Discharge Requirements*** provides that the nursing home shall permit each resident to remain in the nursing home, unless the resident has failed, after reasonable and appropriate notice to pay for a stay at the nursing home.

West Virginia Code §§ 64-13-4(13)(3)(b) ***Documentation*** provides that the documentation shall be made by the resident's physician when transfer or discharge is necessary under the provisions of this rule.

DISCUSSION

On July 15, 2026, the Facility issued a notice advising the Resident that he would be discharged due to non-payment of his stay at the Facility. The Appellant argued that Medicare or Medicaid should fully cover his stay at the Facility.

The Board of Review lacks authority over Medicare matters. Medicaid matters fall under the purview of the Board of Review; however, the issue of the hearing was not related to an adverse Medicaid action. As the Appellant's hearing request pertained to the decision by the Facility to discharge him, only the issue of the proposed discharge may be decided on the instant appeal.

Failure to Pay

Pursuant to State and federal regulations, a Facility may discharge a resident when the resident fails, after reasonable and appropriate notice, to pay for a stay at the facility. To prove that the Facility's decision to discharge the Resident was correct, the Facility had to prove by a preponderance of evidence that the Resident received reasonable notice of his requirement to pay for his stay at the Facility.

According to the Facility's records, Facility staff spoke directly with the Appellant about his owed payment on several occasions prior to the discharge decision. During the hearing, the Resident did not dispute the amount of patient responsibility, his non-payment of the patient responsibility, or that he was informed of his patient responsibility and balance amount. As the evidence revealed that the Resident was informed of his responsibility to pay for his stay at the facility and failed to make the required payment, the Facility correctly decided to discharge the Resident.

Documentation

When discharging a resident for failure to pay for their stay at the facility, the facility must ensure that the basis for the resident's discharge is documented in the resident's record by the resident's physician. While records were submitted which provided information about the Resident's mental

status and therapy, none of the submitted records revealed physician documentation that the Resident should be discharged due to non-payment. Submitted progress notes did not show the authors of the records. Narrative in the June 16, 2026 note by Kevin Schmucker referred repeatedly to the Appellant as *she* and *her*, reducing the reliability of the record.

As the Facility failed to prove that the basis for the Resident's discharge documented in the Resident's record by the Resident's physician, the Respondent's decision to discharge the Resident cannot be affirmed.

CONCLUSIONS OF LAW

1) The Facility may involuntarily discharge a resident when the resident fails, after reasonable and appropriate notice, to pay for a stay at the facility. The reason for discharge is documented in the Resident's medical record by a physician.

2) The preponderance of evidence proved that the Resident was informed of his responsibility to pay for his stay at the facility but failed to make the required payment.

3) The preponderance of evidence failed to demonstrate that the reason for discharging the Resident was documented in the Resident's medical record by a physician.

4) Because the Facility failed to prove that the basis for discharge was documented by the Resident's physician, the Facility's decision to discharge the Resident cannot be affirmed.

DECISION

It is the decision of the State Hearing Officer to **REVERSE** the Facility's decision to discharge the Resident.

ENTERED this 21st day of October 2026.

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Tara B. Thompson, MLS
State Hearing Officer