

Appeal of 30-Day Discharge Notices

Attorneys

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Related Services

Medicaid and Medicare
Appeal of 30-Day
Discharge Notices
Appeal of Denial of
Benefits
Appeal of Notice of
Medicare Non-Coverage
(NOMNC)
Medicaid Hardship Waiver
Requests
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Overview

A 30-day discharge notice is not a final decision. It is the beginning of a process, and that process includes your right to challenge it. Nursing homes issue discharge notices for many reasons, but not every reason meets the legal standard required under federal and state regulations. Facilities sometimes initiate discharge because a resident's Medicaid application is still pending, because the resident's care needs have changed, or because the facility has decided it no longer wants to provide the level of care required. When the notice arrives, families often assume they have no choice but to comply. That assumption costs residents safe housing and appropriate care. A nursing home discharge appeal is not a formality. It is an enforceable right, and exercising it can prevent an unsafe discharge before it happens. Cohen Cleary represents nursing home residents and their families in fighting improper discharges, working within the strict timelines these cases demand.

How We Help With 30-Day Notice Appeals

The 30-day notice appeal process moves quickly, and the legal grounds for challenging a discharge are specific. Federal regulations permit a skilled nursing facility to discharge a resident only under narrow circumstances: the resident's welfare requires transfer, the facility can no longer meet the resident's needs, the resident's presence endangers others, the facility is closing, or the resident has failed to pay after reasonable notice. If the stated reason does not satisfy one of these criteria, or if the facility has not arranged for a safe and appropriate discharge plan, the notice can be challenged through an unsafe discharge appeal.

Cohen Cleary handles the full scope of the appeal, whether the dispute involves a SNF discharge planned without adequate placement or a facility attempting to remove a resident while Medicaid is still pending. We review the discharge notice for procedural compliance, assess whether the stated reason satisfies regulatory requirements, and prepare the appeal filing. In Massachusetts, the Department of Public Health conducts discharge hearings, and we represent residents through that process. A critical point many families miss: filing a timely appeal can result in the resident remaining in the facility while the appeal is pending. Rather than scrambling to find alternative placement under a 30-day deadline, the resident stays in place while the merits of the discharge are evaluated.

Why Choose Cohen Cleary

At Cohen Cleary, our practice teams combine deep subject-matter experience with disciplined execution and responsive client service. We do not take a one-size-fits-all approach. Every matter is handled with careful preparation, clear communication, and a strategy tailored to the client's goals and the realities of the forum.

Clients choose Cohen Cleary because we deliver:

Practice-Focused Legal Experience

Our attorneys work in defined practice areas, allowing us to develop practical insight into the legal, procedural, and regulatory nuances that matter most in each case. This focus allows us to anticipate issues, avoid unnecessary delays, and position matters for efficient resolution.

Clear Guidance and Proactive Communication

We prioritize clarity at every stage. Clients receive straightforward explanations of their options, timely updates on developments, and practical advice grounded in real-world outcomes.

Strategic Advocacy with Trial Readiness

Whether a matter calls for negotiation, mediation, or litigation, our attorneys prepare every case with discipline and foresight. We pursue efficient resolution when possible and are fully prepared to advocate aggressively when necessary to protect our clients' interests.

Regional Knowledge and Local Presence

With offices throughout Massachusetts and experience across New England courts and agencies, we bring local insight and regional reach to every matter.

Client-Centered Service

We treat every matter with urgency and respect. Our clients rely on us for responsive service, sound judgment, and steady counsel through complex legal challenges.

In our Medicaid and Medicare work, this approach helps clients navigate discharge disputes with clarity, efficiency, and confidence.

Our Approach to DPH Discharge Hearings

We tell our clients that the first 48 hours after receiving a discharge notice are the most important. DPH hearing timelines are compressed, and the difference between preserving a resident's right to remain in the facility and losing that right often comes down to how quickly the appeal is filed. In cases involving imminent safety concerns or accelerated nursing home transfer timelines, expedited appeal options may be available, and our team is prepared to pursue them.

Representing Nursing Home Residents and Families Across New England

Cohen Cleary represents nursing home residents and families in discharge appeals across New England, with particular concentration in Massachusetts. Medicaid is state-administered, which means discharge regulations, hearing procedures, and appeal timelines can differ meaningfully from one state to another. Our attorneys are familiar with the Massachusetts DPH hearing process and the regulatory frameworks governing skilled nursing facility discharges in each state where we practice. Because discharge notices carry strict deadlines regardless of jurisdiction, our team is structured to respond quickly, whether the facility is located in southeastern Massachusetts, greater Boston, or elsewhere in the region.

Take Action Before the Appeal Deadline Passes

If your family has received a 30-day discharge notice, the timeline to act is short. Contact Cohen Cleary to discuss your options and determine whether an appeal is appropriate. We respond to discharge matters on an expedited basis from our offices in Taunton and Plymouth.

Frequently Asked Questions About Nursing Home Discharge Appeals

Can a nursing home really force my family member to leave?

What some families describe as a nursing home eviction is, legally, a discharge action subject to federal rules that limit the permissible reasons for removal and require a safe discharge plan. A nursing home cannot discharge a resident without meeting these regulatory requirements. If those conditions are not met, the discharge can be fought. A nursing home discharge appeal filed within the required window can allow the resident to remain in the facility while the case is reviewed by the Department of Public Health.

What happens if the discharge notice was issued because Medicaid is still pending?

A pending Medicaid application is not, by itself, a valid reason for discharge. If the resident has applied for Medicaid and the application is being processed, the facility generally cannot discharge the resident solely because payment has not yet been confirmed. This is one of the most common grounds for a successful appeal.

How quickly do I need to act after receiving a 30-day discharge notice?

Immediately. The appeal window is limited, and filing promptly is essential to preserving the resident's right to remain in the facility during the appeal process. Delays can result in the resident being transferred before the merits of the discharge are ever reviewed. Contact an attorney as soon as the notice is received.

What is a DPH discharge hearing?

In Massachusetts, the Department of Public Health conducts administrative hearings to review challenged discharge notices. The hearing evaluates whether the facility has a legitimate basis for discharge and whether a safe and appropriate discharge plan exists. Residents are entitled to representation at the hearing, and the outcome can require the facility to withdraw the notice or revise its discharge plan.