

Department of Health and Human Services

DEPARTMENTAL APPEALS BOARD

Civil Remedies Division

Bloomfield Care Center,
(CCN: 16-5326),

Petitioner,

v.

Centers for Medicare & Medicaid Services.

Docket No. C-14-10

ALJ Ruling No. 2014-13

Date: November 18, 2013

RULING

I deny the motion of the Centers for Medicare & Medicaid Services (CMS) to compel Petitioner to file its pre-hearing exchange first. I order Petitioner to file a complete hearing request in which it states each and every one of its defenses and arguments in this case by no later than **December 2, 2013**.

Petitioner is a skilled nursing facility. CMS determined that Petitioner was not complying substantially with Medicare participation requirements and imposed a remedy, consisting of a civil money penalty, against Petitioner. Petitioner requested a hearing and this case was assigned to me for a hearing and a decision.

Hearing requests in cases involving civil money penalty determinations by CMS against skilled nursing facilities are governed by regulations at 42 C.F.R. Part 498. The content of a hearing request is governed explicitly by 42 C.F.R. § 498.40(b). That section requires that a hearing request: (1) identify the specific issues, the findings of fact, and conclusions of law, with which the party requesting a hearing disagrees; and (2) specify the basis for contending that these findings and conclusions are incorrect.

