

**Department of Health and Human Services**

**DEPARTMENTAL APPEALS BOARD**

**Civil Remedies Division**

Forest Villa Nursing and Rehabilitation, LLC,  
(CCN: 14-5630),

Petitioner

v.

Centers for Medicare and Medicaid Services.

Docket No. C-11-47

Decision No. CR2297

Date: December 22, 2010

**DECISION DISMISSING  
REQUEST FOR HEARING**

I dismiss the hearing request of Petitioner, Forest Villa Nursing and Rehabilitation, LLC, because it has no right to a hearing.

**I. Background**

Petitioner is a skilled nursing facility in Niles, Illinois. It participates in the Medicare program. Its participation in Medicare is governed by sections 1819 and 1866 of the Social Security Act and by implementing regulations at 42 C.F.R. Parts 483 and 488. Its hearing and appeals rights are governed by regulations at 42 C.F.R. Part 498.

On September 1, 2010, Petitioner was surveyed to determine whether it was complying with Medicare participation requirements. The agency that conducted the survey, the Illinois Department of Public Health (IDPH), determined that Petitioner was not in compliance with participation requirements and proposed to impose remedies against Petitioner. IDPH never imposed remedies nor did the Centers for Medicare and Medicaid Services (CMS). Nevertheless, Petitioner requested a hearing, and the case was assigned

