

# LONG TERM CARE COMMUNITY COALITION

*Advancing Quality, Dignity & Justice*

## CONSUMER FACT SHEET: TRANSFER & DISCHARGE RIGHTS II

The threat of transfer or discharge from a nursing home can be stressful and frightening to a resident and his or her family. Our fact sheet, *Transfer & Discharge Rights I*, discusses the fundamental rights and protections; this fact sheet presents additional information which we believe may be useful.

[Note: The brackets below provide, for reference, the citation to the federal requirement (42 CFR 483.xx) and the F-tag number used when a facility is cited for failing to meet the requirement.]

### I. Orientation for Transfer or Discharge [42 CFR 483.15(c) F-624]

*A facility must provide and document sufficient preparation and orientation to residents to ensure safe and orderly transfer or discharge from the facility.*

*This orientation must be provided in a form and manner that the resident can understand.*

### II. Notice of Bed-Hold Policy [42 CFR 483.15(d) F-625]

*Before a nursing facility transfers a resident to a hospital or the resident goes on therapeutic leave, the nursing facility must provide written information to the resident or resident representative that specifies—*

*(i) The duration of the state bed-hold policy, if any, during which the resident is permitted to return and resume residence in the nursing facility;*

*(ii) The reserve bed payment policy in the state plan..., if any;*

*(iii) The nursing facility's policies regarding bed-hold periods, which must be consistent with paragraph (e)(1) of this section, permitting a resident to return; and*

*(iv) The information specified in paragraph (e)(1) of this section. [Paragraph is below.]*

### III. Permitting Residents to Return to Facility [42 CFR 483.15(e)(1) F-626]

*A facility must establish and follow a written policy on permitting residents to return to the facility after they are hospitalized or placed on therapeutic leave. The policy must provide for the following.*

*(i) A resident, whose hospitalization or therapeutic leave exceeds the bed-hold period under the State plan, returns to the facility to their previous room if available or immediately upon the first availability of a bed in a semi-private room if the resident—*

*(A) Requires the services provided by the facility; and*

*(B) Is eligible for Medicare skilled nursing facility services or Medicaid nursing facility services.*

*(ii) If the facility that determines that a resident who was transferred with an expectation of returning to the facility, cannot return to the facility, the facility must comply with the requirements of paragraph (c) [above] as they apply to discharges.*