

# TRANSFER AND DISCHARGE

Unwanted transfers or discharges from a nursing home can be devastating for residents, affecting their physical health and safety, as well as their psychological well-being. Despite significant federal protections, some facilities all too often continue to inappropriately discharge residents.

## Standards of Care

- **Limited circumstances.** Facilities can only discharge residents under limited circumstances, including for the resident's welfare, the health or safety of others, failure to pay, or no longer needing services.
- **Notice requirements.** Nursing homes cannot transfer or discharge a resident without providing notice 30 days in advance. Certain exceptions apply, including the resident's stay being less than 30 days.
- **Appeal rights.** Residents have the right to appeal a transfer or discharge. With certain exceptions, nursing homes cannot transfer or discharge a resident when the resident has exercised his or her right to appeal.
- **Preparation and orientation.** Nursing homes must also "provide and document sufficient preparation and orientation to residents to ensure safe and orderly transfer or discharge from the facility . . . in a form and manner that the resident can understand."

## Resources

1. LTCCC's website provides consumer fact sheets on nursing home transfer and discharge rights. See <http://nursinghome411.org/?s=discharge>.
2. LTCCC's YouTube page contains previously recorded webinars on a host of nursing home resident issues, including transfer and discharge rights. See <https://www.youtube.com/watch?v=jMCTwqlzPVE>.
3. CMS's revised State Operations Manual includes revised regulations and interpretative guidance. See [https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/downloads/som107ap\\_pp\\_guidelines\\_ltcg.pdf](https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/downloads/som107ap_pp_guidelines_ltcg.pdf).