

# LONG TERM CARE COMMUNITY COALITION

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## Assisted Living Fact Sheet: Transfer and Discharge

Unwanted transfers or discharges can be devastating for residents in long-term care, affecting their physical health and safety, as well as their psychological well-being. While nursing home residents have specific federal protections from unwanted discharge, these protections do not extend to residents in assisted living (though they may have similar needs and vulnerabilities).

From a consumer perspective, it is essential that the conditions under which any resident may face transfer or discharge from a facility are clear and that there are protocols and protections in place to ensure that residents are not subject to inappropriate and potentially harmful discharges. To address shortcomings in protections for assisted living residents, LTCCC conducted a nationwide analysis of best practices in assisted living and has published a report with recommendations for improving resident health, safety, and well-being. Below are some key recommendations for implementing transfer and discharge standards in assisted living from our report, [\*Assisted Living: Promising Policies and Practices for Improving Resident Health, Quality of Life, and Safety\*](#). On the following page is a map showing what states have requirements for providing advanced notice when an assisted living facility plans to discharge a resident.

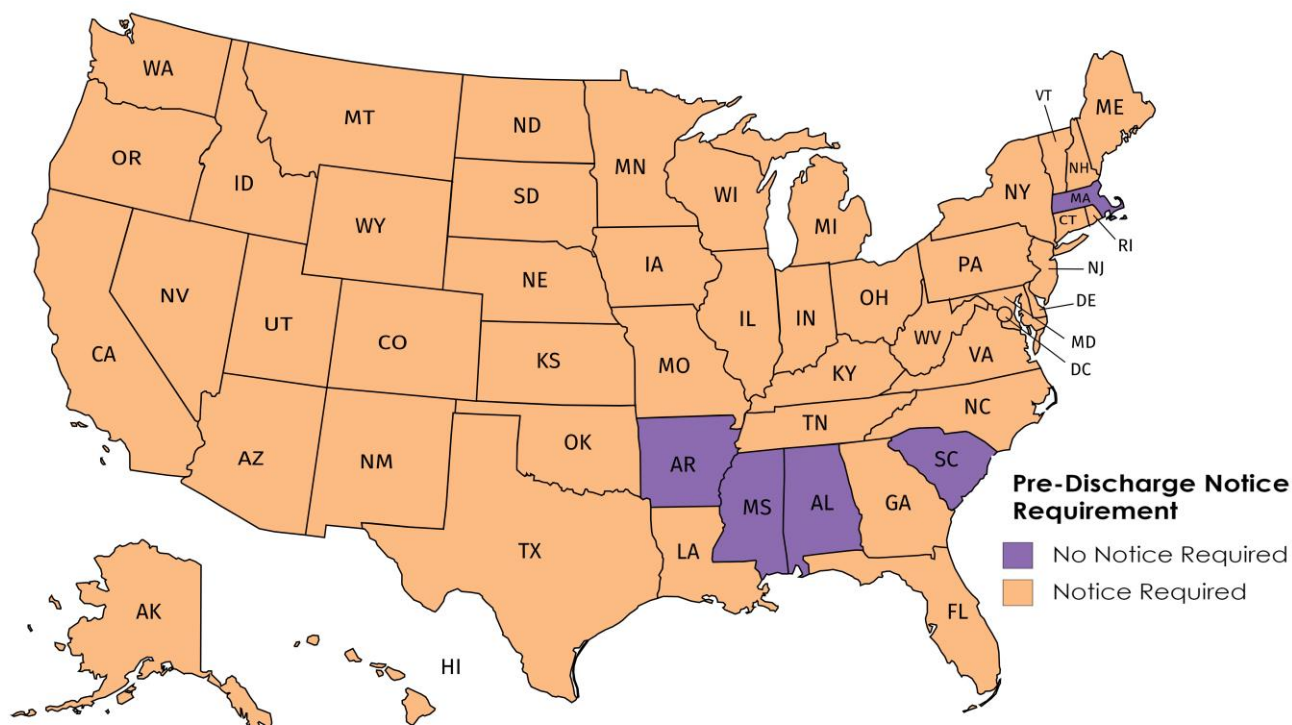
### Recommendations

- Transfer and discharge policies should concisely provide for the conditions under which a resident may face discharge or transfer from a facility.
- Notice of discharge must be provided at least 30 days in advance to resident and his/her representative unless resident's presence in the facility poses an immediate danger to the safety of the resident or others. In such instances, the facility must document the nature of the danger, the steps taken (if any) to ameliorate it, and how the setting to which the resident has been transferred is able to safely and appropriately respond to the danger.
- Residents have the right to appeal a discharge notice.
- The facility must provide discharge planning to prepare and orient a resident. It is the facility's responsibility to ensure safe, appropriate, and orderly transfer or discharge.

**NOTE:** This is a partial list. To see all of our recommendations, please see the [report](#).

## Map of State Requirements

- 45 states and the District of Columbia have a requirement to provide residents with a notice before involuntarily discharging them.
- 5 states do not have a requirement to provide residents with a notice.



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### Further Reading

1. LTCCC's 2018 report, *Assisted Living: Promising Policies and Practices*, provides a comprehensive review of state policies, recommendations, and example language for use in future policymaking. See <https://nursinghome411.org/lccc-report-assisted-living-promising-policies-and-practices/>.
2. LTCCC's Assisted Living State Requirements Chart offers a comparative look at state requirements, including those involving abuse and neglect. See <https://nursinghome411.org/assisted-living-state-requirements-chart/>.

Note: This document is the work of LTCCC. It does not necessarily reflect the views of the Department of Health, nor has the Department verified the accuracy of its content.