

Hudson Valley Nursing Home Update: February 2026

Part I. Data Update.

Part II. Discharge protections & access to services.

www.nursinghome411.org

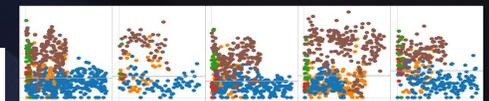
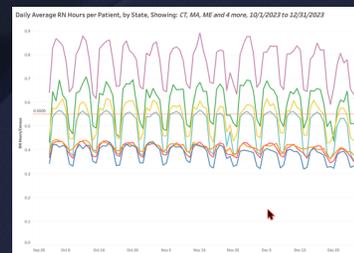
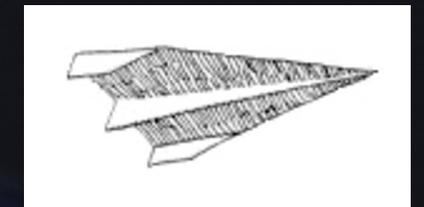
+ The Long Term Care Community Coalition

- **LTCCC:** Nonprofit, nonpartisan organization dedicated to improving care & quality of life for the elderly & adult disabled in long-term care (LTC).
- **Our focus:** People who live in nursing homes & assisted living.
- **What we do:**
 - Policy analysis and systems advocacy;
 - Data resources & analyses;
 - Education of consumers and families, LTC ombudsmen, and other stakeholders;
 - Home of two local LTC Ombudsman Programs in the Hudson Valley.
- **Website:** www.nursinghome411.org.

John W. Rodat Public Signals, LLC

Think in systems ...
and *Use the Damn Data*

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Outline of Today's Program



DATA BRIEFING.



RESIDENT RIGHTS:

Discharge
Protections.



**Discussion and
Q & A.**



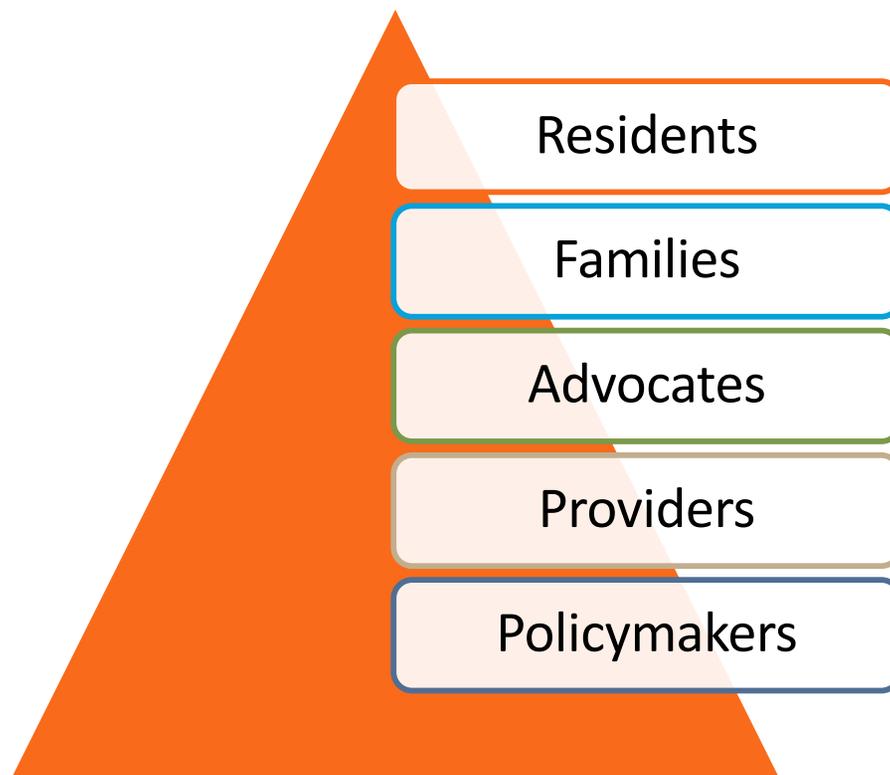
+ Hudson County Nursing Home
Update – Part 1

DATA UPDATE

+ Data

■ Why are data important?

- Provide evidence of nursing home practices and performance.
- Enable comparisons between nursing homes, nursing home companies, etc...
- Support efforts to address problems and improve care by all stakeholders:



+ HV Nursing Home Staffing: Fast Facts

Average Total Nurse Staffing

- US: 3.78 HPRD
- NY: 3.62 HPRD
- HV: 3.45 HPRD

Average RN Staffing

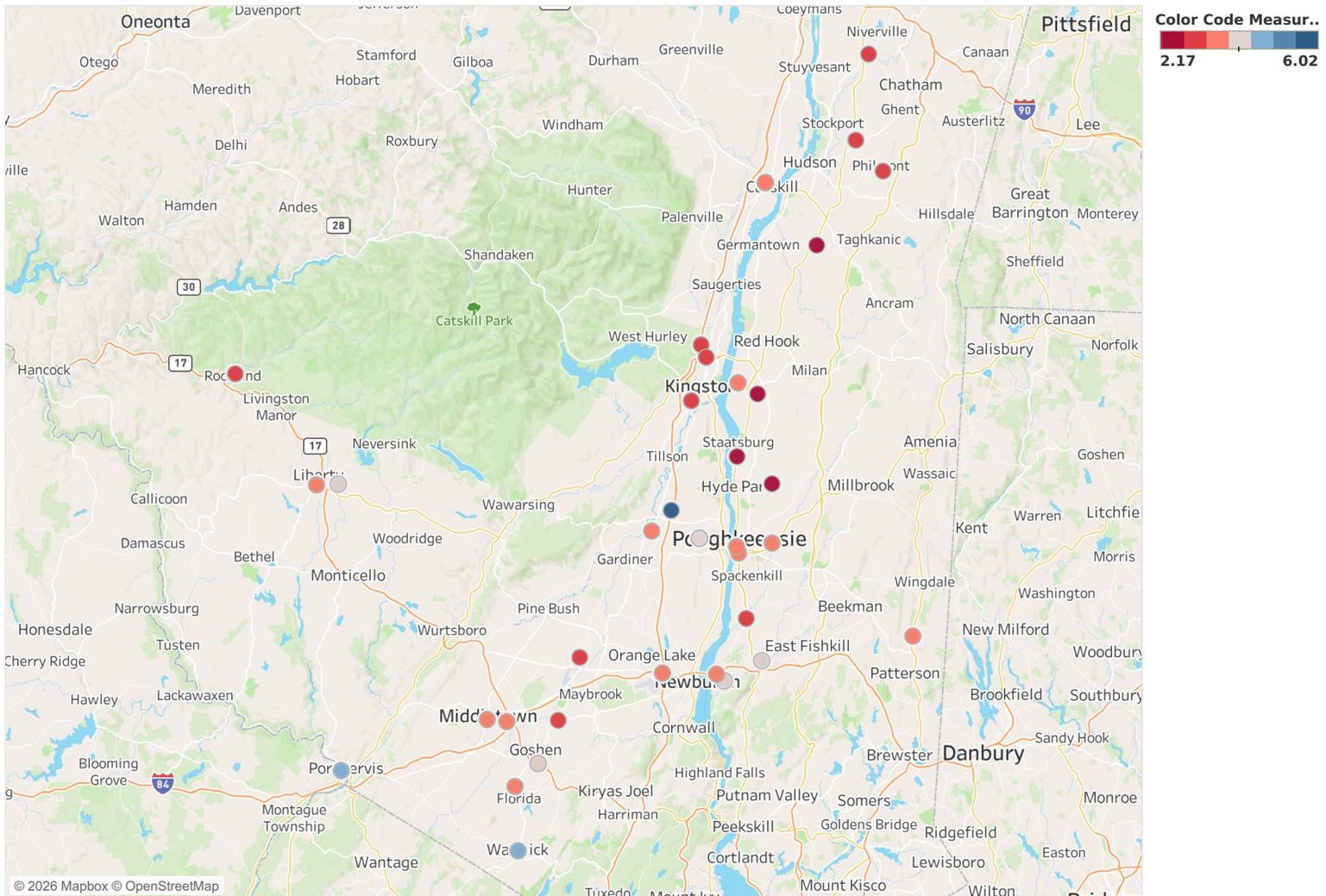
- US: 0.62 HPRD
- NY: 0.67 HPRD
- HV: 0.56 HPRD

Important Points:

1. A nursing home should provide at **least 4.1 HPRD total nurse staffing, including at least 0.75 HPRD RN staffing**, just to meet basic clinical needs (federal study).
2. Most US nursing homes are significantly understaffed.
3. NY nursing homes average much worse than US, and **HV nursing homes average even lower staffing.**
4. The average HV nursing home staff below the state legal minimum.

+ Total Nurse Staffing Levels

M 2 - Map by Measure, Region: *None*, State: *NY*, County: , Overall Rating: *1, 2, 3 and 2 more*, Color by: *Reported Nursing Staff Hours*, Staffing Cost Strategy: , Range from to: *2.17 to 6.02*



+ Hudson Valley Nurse Staffing Levels

PROVNAME	CITY	COUNTY_NAME	Total				% Deviation From
			MDSscenus	Nurse Staff HPRD	Nursing Case-Mix Index	Expected Total Nurse Staff HPRD	Total Expected Nurse HPRD
RENAISSANCE REHABILITATION AND NURSING CARI STAATSBURG		Dutchess	104.18	2.04	1.45	5.08	-59.7%
LIVINGSTON HILLS NURSING AND REHABILITATION (LIVINGSTON		Columbia	104.86	2.23	1.15	4.64	-52.0%
THE GRAND REHABILITATION AND NURSING AT BARI VALATIE		Columbia	227.41	2.71	1.44	5.06	-46.6%
SAPPHIRE NURSING AT WAPPINGERS	WAPPINGERS FALL	Dutchess	55.76	2.81	1.54	5.19	-46.0%
THE BAPTIST HOME AT BROOKMEADE	RHINEBECK	Dutchess	109.75	2.76	1.29	4.85	-43.2%
THE GRAND REHABILITATION AND NURSING AT PAW PAWLING		Dutchess	114.15	2.88	1.44	5.06	-43.1%
MONTGOMERY NURSING AND REHABILITATION CEN MONTGOMERY		Orange	94.16	3.10	1.67	5.36	-42.3%
THE ELEANOR NURSING CARE CENTER	HYDE PARK	Dutchess	99.40	2.75	1.21	4.73	-42.0%
ROSCOE REGIONAL REHAB & RESIDENTIAL H C F	ROSCOE	Sullivan	79.74	2.88	1.28	4.83	-40.3%
PINE HAVEN HOME	PHILMONT	Columbia	115.38	3.00	1.38	4.98	-39.8%
TEN BROECK COMMONS	LAKE KATRINE	Ulster	243.65	3.31	1.59	5.25	-37.1%
THE GRAND REHABILITATION AND NRSG AT RIVER V/ POUGHKEEPSIE		Dutchess	153.04	3.27	1.52	5.16	-36.7%
ACHIEVE REHAB AND NURSING FACILITY	LIBERTY	Sullivan	130.77	3.30	1.55	5.20	-36.6%
SAPPHIRE NURSING AT MEADOW HILL	NEWBURGH	Orange	182.38	3.37	1.57	5.24	-35.7%
GOLDEN HILL NURSING AND REHABILITATION CENT KINGSTON		Ulster	235.98	3.35	1.53	5.18	-35.4%
MIDDLETOWN PARK REHAB & HEALTH CARE CENTEF MIDDLETOWN		Orange	221.93	3.51	1.70	5.41	-35.0%
CAMPBELL HALL REHABILITATION CENTER INC	CAMPBELL HALL	Orange	102.47	3.46	1.53	5.19	-33.3%
FISHKILL CENTER FOR REHABILITATION AND NURSIN BEACON		Dutchess	154.73	3.44	1.51	5.15	-33.2%
HIGHLAND REHABILITATION AND NURSING CENTER MIDDLETOWN		Orange	92.15	3.50	1.47	5.10	-31.3%
SAPPHIRE NURSING AND REHAB AT GOSHEN	GOSHEN	Orange	114.99	3.61	1.56	5.22	-30.9%

+ Hudson Valley Non-Nurse Staffing Levels

PROVNAME	CITY	COUNTY_NAME	MDS census	Hrs_Admin	MPRD: Admin	Hrs_MedDir
ACHIEVE REHAB AND NURSING FACILITY	LIBERTY	Sullivan	130.77	4.86	2.23	0.00
CAMPBELL HALL REHABILITATION CENTER INC	CAMPBELL HALL	Orange	102.47	5.76	3.37	0.00
FERNCLIFF NURSING HOME CO INC	RHINEBECK	Dutchess	247.09	8.90	2.16	2.90
FISHKILL CENTER FOR REHABILITATION AND NURSING	BEACON	Dutchess	154.73	10.73	4.16	0.00
GHENT REHABILITATION & NURSING CENTER	GHENT	Columbia	109.33	4.85	2.66	0.00
GLEN ARDEN INC	GOSHEN	Orange	34.25	4.53	7.94	0.92
GOLDEN HILL NURSING AND REHABILITATION CENTER	KINGSTON	Ulster	235.98	5.27	1.34	1.19
GREENE MEADOWS NURSING AND REHABILITATION CENTER	CATSKILL	Greene	110.64	5.27	2.86	0.00
HIGHLAND REHABILITATION AND NURSING CENTER	MIDDLETOWN	Orange	92.15	4.95	3.22	0.00
HUDSON VALLEY REHABILITATION & EXTENDED CARE CTR	HIGHLAND	Ulster	107.13	5.64	3.16	1.14
LIVINGSTON HILLS NURSING AND REHABILITATION CENTER	LIVINGSTON	Columbia	104.86	7.11	4.07	2.81
LUTHERAN CENTER AT POUGHKEEPSIE INC	POUGHKEEPSIE	Dutchess	147.78	4.62	1.87	0.00
MIDDLETOWN PARK REHAB & HEALTH CARE CENTER	MIDDLETOWN	Orange	221.93	9.45	2.56	2.86
MONTGOMERY NURSING AND REHABILITATION CENTER	MONTGOMERY	Orange	94.16	5.36	3.41	0.04
NEW PALTZ CENTER FOR REHABILITATION AND NURSING	NEW PALTZ	Ulster	72.43	5.01	4.15	0.00
NORTHEAST CTR FOR REHABILITATION AND BRAIN INJURY	LAKE KATRINE	Ulster	257.43	5.63	1.31	0.00
PINE HAVEN HOME	PHILMONT	Columbia	115.38	4.78	2.49	10.63



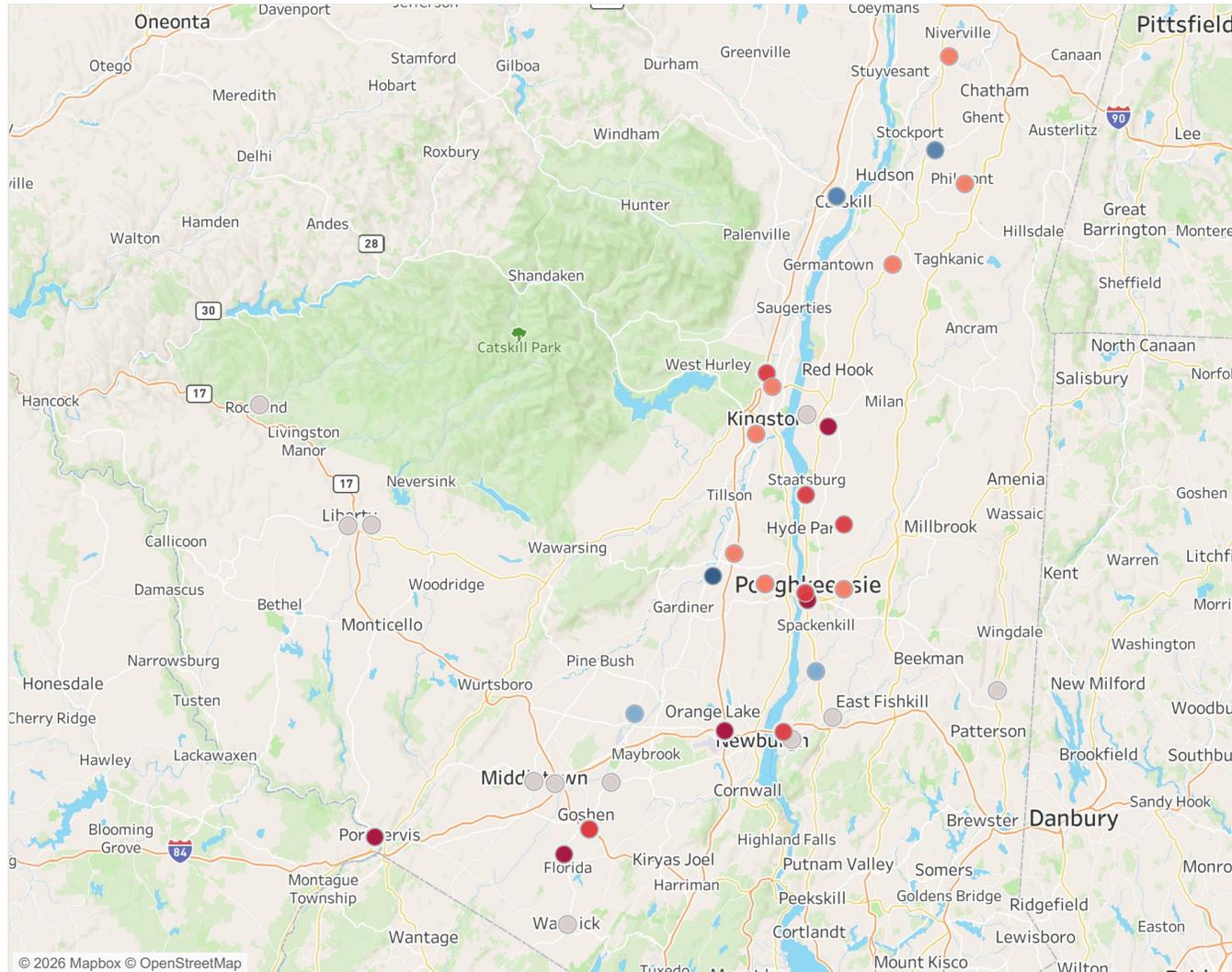
Hudson Valley Nursing Home Staff Turnover Rates

Why is staff turnover an important issue to residents, families, ombudsmen, and policymakers?

- **Consistent assignment** – having the same caregivers consistently caring for the same residents – improves care and quality of life for residents AND working conditions for care staff.
- High staff turnover is a **red flag** that something is wrong, such as serious understaffing, low wages, or dangerous working conditions.
- Nursing homes perpetually claim that they cannot hire more staff when, in fact, the problem is that they have high turnover rates.
- Some operators use high turnover as part of a **business model to maximize profits** at the expense of residents and nursing staff.

+ Total Nurse Staffing Turnover Rates

M 2 - Map by Measure, Region: *None*, State: *NY*, County: , Overall Rating: *1, 2, 3* and *2 more*, Color by: *Total Nursing Staff Turnover*, Staffing Cost Strategy: , Range from to: *19.90 to 77.30*



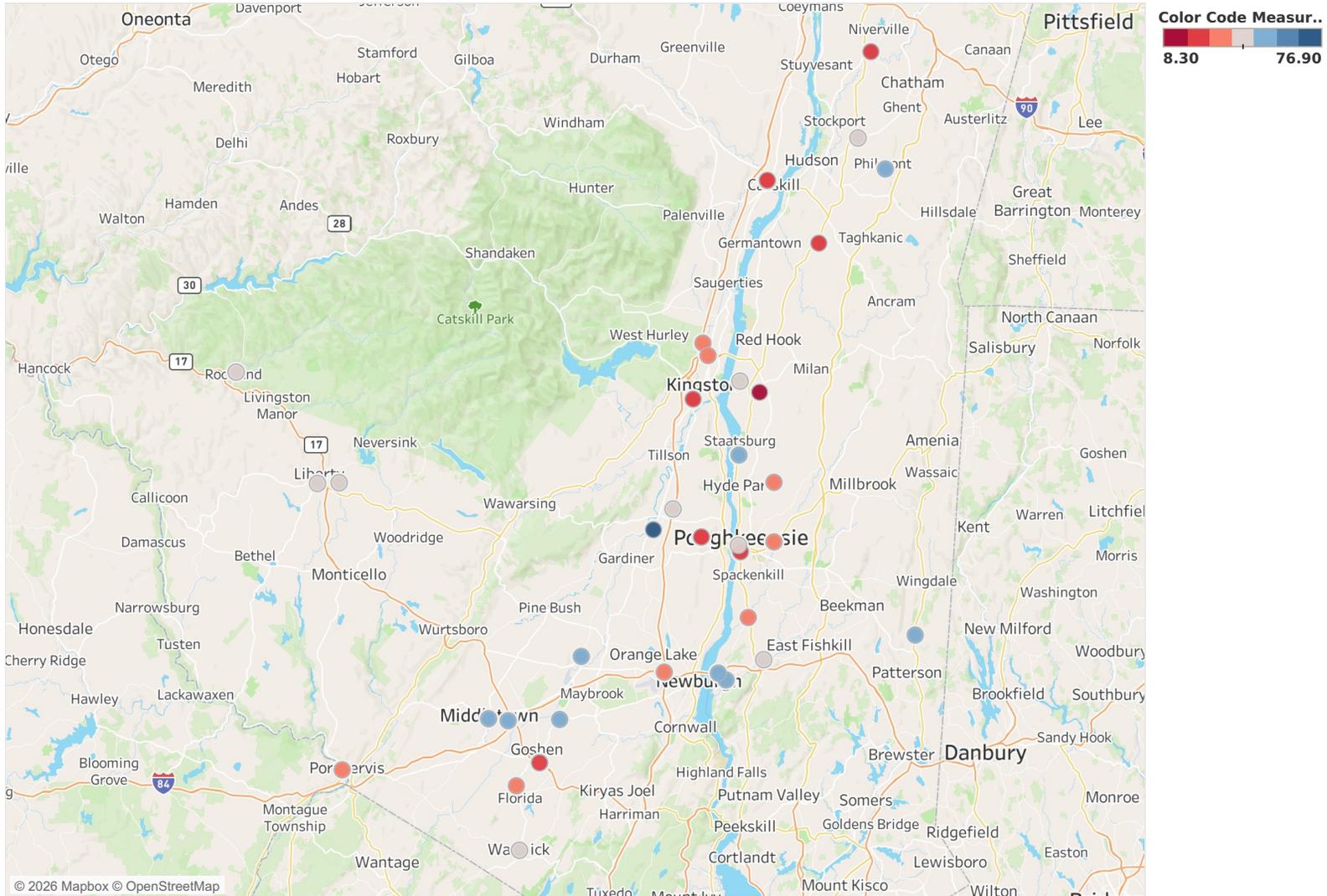
+ Total Nurse Staffing Turnover Rates

Provider Name	Overall Rating	Ownership Type	Provider Number	Average Number of Residents per Day	Average Occupancy	Number of Certified Beds	Reported RN, LPN & Aide, Hours per Resident per Day	Total Nursing Turnover
WOODLAND POND AT NEW PALTZ	4	Non profit	335858	35	88.50%	40	6.02	43.1
THE VALLEY VIEW CENTER FOR NURSING CARE AND REHAB	1	Government	335238	232	64.50%	360	3.72	19.9
THE PINES AT POUGHKEEPSIE CTR FOR NURSING & REHAB	3	For profit	335440	192	96.10%	200	3.57	26.3
THE PINES AT CATSKILL CENTER FOR NURSING & REHAB	4	For profit	335256	127	93.50%	136	3.44	54.9
THE GRAND REHABILITATION AND NURSING AT PAWLING	1	For profit	335458	107	88.00%	122	3.31	48
THE GRAND REHABILITATION AND NURSING AT BARNWELL	1	For profit	335565	217	91.70%	236	3.14	40.4
THE GRAND REHABILITATION AND NRSG AT RIVER VALLEY	2	For profit	335827	148	92.30%	160	3.41	32.4
THE ELEANOR NURSING CARE CENTER	1	For profit	335323	105	87.60%	120	2.60	30.4
THE BAPTIST HOME AT BROOKMEADE	5	Non profit	335613	102	85.30%	120	2.71	21.7
TEN BROECK COMMONS	4	For profit	335765	248	96.20%	258	3.09	28.9
TACONIC REHABILITATION AND NURSING AT ULSTER	4	For profit	335803	95	79.50%	120	3.94	41.4
TACONIC REHABILITATION AND NURSING AT HOPEWELL	3	For profit	335789	140	87.40%	160	3.85	50.7
TACONIC REHABILITATION AND NURSING AT BEACON	4	For profit	335828	118	73.60%	160	4.06	47.2
SULLIVAN COUNTY ADULT CARE CENTER	2	Government	335628	114	77.90%	146	4.03	45.5
ST JOSEPHS PLACE	5	Non profit	335692	30	64.80%	46	4.73	24.4
SCHERVIER PAVILION	5	Non profit	335784	54	45.20%	120	4.64	46.6
SAPPHIRE NURSING AT WAPPINGERS	2	For profit	335275	56	90.30%	62	3.16	53.8
SAPPHIRE NURSING AT MEADOW HILL	1	For profit	335464	171	89.80%	190	3.51	24.5
SAPPHIRE NURSING AND REHAB AT GOSHEN	2	For profit	335684	113	94.20%	120	3.54	32.4
ROSCOE REGIONAL REHAB & RESIDENTIAL H C F	5	For profit	335316	75	88.50%	85	2.98	47.8
RENAISSANCE REHABILITATION AND NURSING CARE CENTER	1	For profit	335404	111	92.80%	120	2.28	29.3
PINE HAVEN HOME	1	For profit	335632	108	84.50%	128	3.18	43.6

Visit www.nursinghome411.org/states/ny/hudsonvalley/ to access this searchable file.

+ Registered Nurse Turnover Rates

M 2 - Map by Measure, Region: *None*, State: *NY*, County: , Overall Rating: *1, 2, 3 and 2 more*, Color by: *RN Turnover*, Staffing Cost Strategy: , Range from to: *8.30 to 76.90*



+ Registered Nurse Turnover Rates

Provider Name	Ownership Type	Provider Number	Average Number of Residents per Day	Average Occupancy	Number of Certified Beds	Reported RN, LPN & Aide, Hours per Resident per Day	RN Turnover
WOODLAND POND AT NEW PALTZ	Non profit	335858	35	88.50%	40	6.02	40
THE VALLEY VIEW CENTER FOR NURSING CARE AND REHAB	Government	335238	232	64.50%	360	3.72	33.3
THE PINES AT POUGHKEEPSIE CTR FOR NURSING & REHAB	For profit	335440	192	96.10%	200	3.57	21.1
THE PINES AT CATSKILL CENTER FOR NURSING & REHAB	For profit	335256	127	93.50%	136	3.44	37.5
THE GRAND REHABILITATION AND NURSING AT PAWLING	For profit	335458	107	88.00%	122	3.31	52.6
THE GRAND REHABILITATION AND NURSING AT BARNWELL	For profit	335565	217	91.70%	236	3.14	26.1
THE GRAND REHABILITATION AND NRSNG AT RIVER VALLEY	For profit	335827	148	92.30%	160	3.41	41.2
THE ELEANOR NURSING CARE CENTER	For profit	335323	105	87.60%	120	2.60	36.4
THE BAPTIST HOME AT BROOKMEADE	Non profit	335613	102	85.30%	120	2.71	8.3
TEN BROECK COMMONS	For profit	335765	248	96.20%	258	3.09	31.4
TACONIC REHABILITATION AND NURSING AT ULSTER	For profit	335803	95	79.50%	120	3.94	36.4
TACONIC REHABILITATION AND NURSING AT HOPEWELL	For profit	335789	140	87.40%	160	3.85	41.7
TACONIC REHABILITATION AND NURSING AT BEACON	For profit	335828	118	73.60%	160	4.06	48
SULLIVAN COUNTY ADULT CARE CENTER	Government	335628	114	77.90%	146	4.03	44
ST JOSEPHS PLACE	Non profit	335692	30	64.80%	46	4.73	36.4
SCHERVIER PAVILION	Non profit	335784	54	45.20%	120	4.64	39.1

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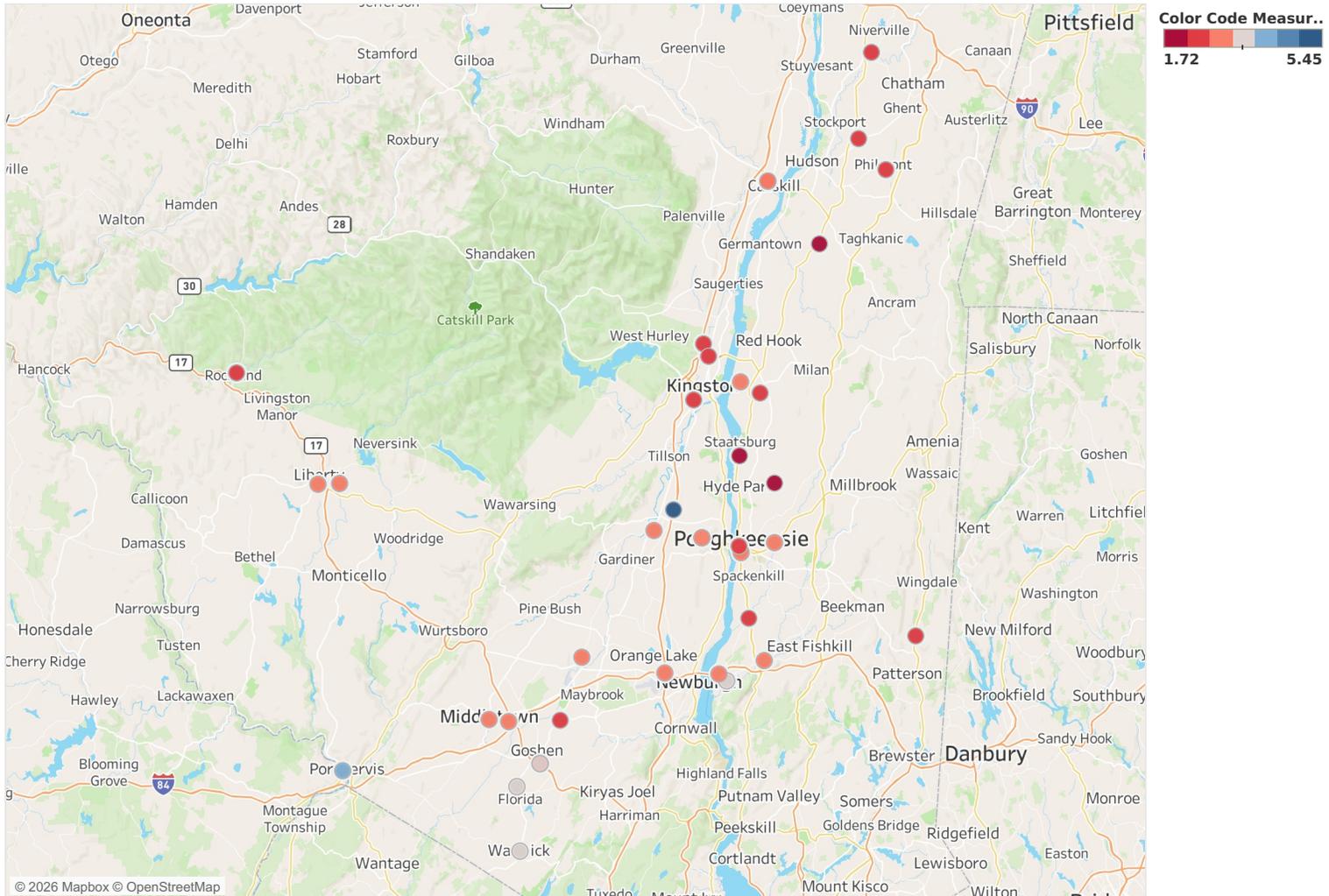


Weekend Staffing

- Residents need the same level of care and services every day.
- Nevertheless, facilities too often have lower staffing on weekends and holidays.
- It is important to note that...
 1. Nursing homes are paid the same amount of weekends and holidays as they are during the week – to provide sufficient staffing and services.
 2. Nursing home standards of care and dignity are in effect 24/7/365.
 3. Most nursing homes have been in business for many, many years. This is not their first Sunday or Christmas or July 4th!

+ Weekend Total Staffing

M 2 - Map by Measure, Region: *None*, State: *NY*, County: , Overall Rating: *1, 2, 3 and 2 more*, Color by: *Weekend Total Nursing Staff Hours per Resident per Day*, Staffing Cost Strategy: , Range from to: *1.72 to 5.45*



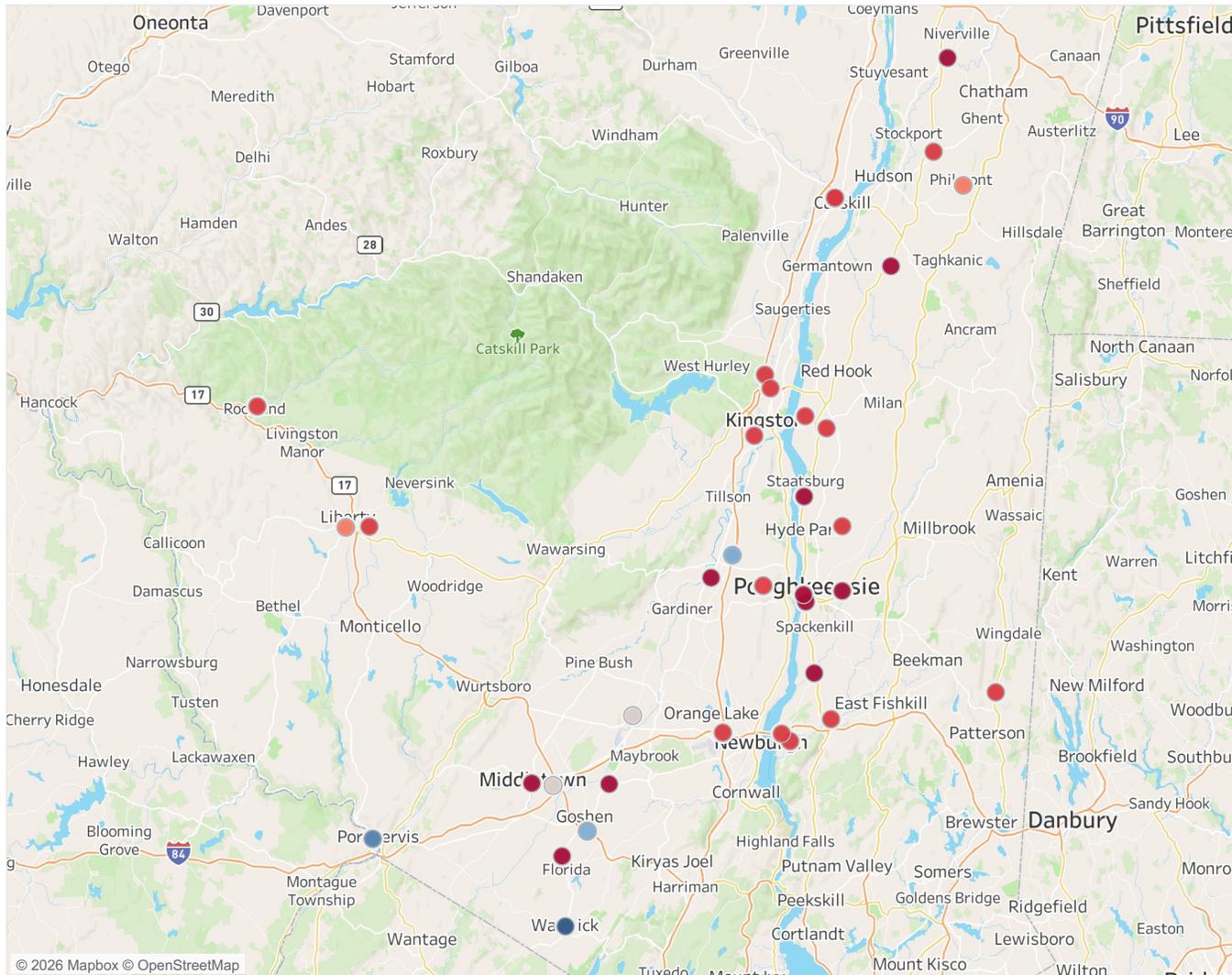
+ Weekend Total Nurse Staffing

Provider Name	Location	Overall Rating	Ownership Typ	Weekend Total Nursing HPRD
ACHIEVE REHAB AND NURSING FACILITY	170 LAKE STREET,LIBERTY,NY,127	3	For profit	3.18
CAMPBELL HALL REHABILITATION CENTER INC	23 KIERNAN RD,CAMPBELL HALL,	1	For profit	2.48
FERNCLIFF NURSING HOME CO INC	21 FERNCLIFF DRIVE,RHINEBECK	1	For profit	2.84
FISHKILL CENTER FOR REHABILITATION AND NURSING	22 ROBERT R. KASIN WAY,BEACO	1	For profit	3.12
GHENT REHABILITATION & NURSING CENTER	1 WHITTIER WAY,GHENT,NY,1207	1	For profit	2.67
GLEN ARDEN INC	46 HARRIMAN DRIVE,GOSHEN,NY	2	Non profit	3.81
GOLDEN HILL NURSING AND REHABILITATION CENTER	99 GOLDEN HILL DRIVE,KINGSTO	4	For profit	2.68
GREENE MEADOWS NURSING AND REHABILITATION CENTE	161 JEFFERSON HEIGHTS,CATSKI	2	For profit	3
HIGHLAND REHABILITATION AND NURSING CENTER	120 HIGHLAND AVENUE,MIDDLET	1	For profit	3.08
HUDSON VALLEY REHABILITATION & EXTENDED CARE CTR	260 VINEYARD AVE, RT 44/55,HIG	1	For profit	3.22
LIVINGSTON HILLS NURSING AND REHABILITATION CENTEF	2781 ROUTE 9,LIVINGSTON,NY,12	1	For profit	1.72
LUTHERAN CENTER AT POUGHKEEPSIE INC	965 DUTCHESS TURNPIKE,POUGI	3	For profit	3.23
MIDDLETOWN PARK REHAB & HEALTH CARE CENTER	121 DUNNING ROAD,MIDDLETOW	3	For profit	2.82
MONTGOMERY NURSING AND REHABILITATION CENTER	2817 ALBANY POST ROAD,MONTC	3	For profit	2.79
NEW PALTZ CENTER FOR REHABILITATION AND NURSING	1 JANSEN ROAD,NEW PALTZ,NY,1	1	For profit	2.81
NORTHEAST CTR FOR REHABILITATION AND BRAIN INJURY	300 GRANT AVENUE,LAKE KATRIN	2	For profit	2.57

Visit www.nursinghome411.org/states/ny/hudsonvalley/ to access this searchable file.

+ Weekend RN Staffing

M 2 - Map by Measure, Region: *None*, State: *NY*, County: , Overall Rating: *1, 2, 3 and 2 more*, Color by: *Weekend RN Hours per Resident per Day*, Staffing Cost Strategy: , Range from to: *0.11 to 0.98*



+ Weekend RN Staffing

Provider Name	Location	Overall Rating	Ownership Type	Weekend RN HPRD
ACHIEVE REHAB AND NURSING FACILITY	170 LAKE STREET, LIBERTY, NY, 12754		3 For profit	0.4
CAMPBELL HALL REHABILITATION CENTER INC	23 KIERNAN RD, CAMPBELL HALL, NY, 10916		1 For profit	0.15
FERNCLIFF NURSING HOME CO INC	21 FERNCLIFF DRIVE, RHINEBECK, NY, 12572		1 For profit	0.3
FISHKILL CENTER FOR REHABILITATION AND NURSING	22 ROBERT R. KASIN WAY, BEACON, NY, 12508		1 For profit	0.27
GHENT REHABILITATION & NURSING CENTER	1 WHITTIER WAY, GHENT, NY, 12075		1 For profit	0.29
GLEN ARDEN INC	46 HARRIMAN DRIVE, GOSHEN, NY, 10924		2 Non profit	0.66
GOLDEN HILL NURSING AND REHABILITATION CENTER	99 GOLDEN HILL DRIVE, KINGSTON, NY, 12401		4 For profit	0.27
GREENE MEADOWS NURSING AND REHABILITATION CENTER	161 JEFFERSON HEIGHTS, CATSKILL, NY, 12414		2 For profit	0.27
HIGHLAND REHABILITATION AND NURSING CENTER	120 HIGHLAND AVENUE, MIDDLETOWN, NY, 10940		1 For profit	0.23
HUDSON VALLEY REHABILITATION & EXTENDED CARE CTR	260 VINEYARD AVE, RT 44/55, HIGHLAND, NY, 12528		1 For profit	0.31
LIVINGSTON HILLS NURSING AND REHABILITATION CENTER	2781 ROUTE 9, LIVINGSTON, NY, 12541		1 For profit	0.22
LUTHERAN CENTER AT POUGHKEEPSIE INC	965 DUTCHESS TURNPIKE, POUGHKEEPSIE, NY, 12603		3 For profit	0.11
MIDDLETOWN PARK REHAB & HEALTH CARE CENTER	121 DUNNING ROAD, MIDDLETOWN, NY, 10940		3 For profit	0.56
MONTGOMERY NURSING AND REHABILITATION CENTER	2817 ALBANY POST ROAD, MONTGOMERY, NY, 12549		3 For profit	0.6
NEW PALTZ CENTER FOR REHABILITATION AND NURSING	1 JANSEN ROAD, NEW PALTZ, NY, 12561		1 For profit	0.18
NORTHEAST CTR FOR REHABILITATION AND BRAIN INJURY	300 GRANT AVENUE, LAKE KATRINE, NY, 12449		2 For profit	0.36
PINE HAVEN HOME	NY ROUTE 217, PHILMONT, NY, 12565		1 For profit	0.36
RENAISSANCE REHABILITATION AND NURSING CARE CENTER	4975 ALBANY POST ROAD, STAATSBURG, NY, 12580		1 For profit	0.15
ROSCOE REGIONAL REHAB & RESIDENTIAL H C F	420 ROCKLAND ROAD, ROSCOE, NY, 12776		5 For profit	0.31
SAPPHIRE NURSING AND REHAB AT GOSHEN	46 HARRIMAN DRIVE, GOSHEN, NY, 10924		2 For profit	0.52
SAPPHIRE NURSING AT MEADOW HILL	172 MEADOW HILL ROAD, NEWBURGH, NY, 12550		1 For profit	0.3
SAPPHIRE NURSING AT WAPPINGERS	37 MESIER AVENUE, WAPPINGERS FALLS, NY, 12590		2 For profit	0.22
SCHERVIER PAVILION	22 VAN DUZER PLACE, WARWICK, NY, 10990		5 Non profit	0.98

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to access this searchable file.



+ Hudson County Nursing Home
Update – Part 2

**RESIDENT RIGHTS TO APPROPRIATE
DISCHARGE & TRANSFER**

+ Know Your Resident's Rights

Too often, we accept substandard care because we have been conditioned to expect it.

Learning Center

Home » Learning Center

Welcome to LTCCC's Learning Center

Select boxes below to access our latest materials and resources to support good care and resident-centered advocacy. Scroll to the bottom of this page for LTCCC's most recent Learning Center resources.



Webinars

Learn about long-term care issues at LTCCC's monthly Zoom webinars. Attend programs live or watch recordings on YouTube.



Get the Facts

Fact sheets providing information on care standards to support better care and quality of life for long-term care residents.



Family Council Empowerment

A toolkit and other resources to support families and friends in their development of family councils.



Dementia Care & Antipsychotics

Resources for promoting good dementia care and reducing dangerous antipsychotic drugging in nursing homes.



Families & Ombudsmen

Fact sheets and other resources supporting resident-centered advocacy.



Reporting Abuse & Neglect

Information and resources to help identify and address abuse and neglect.



Assisted Living

Guidebooks, reports, fact sheets, and other resources to advocate for residents in assisted living.



Podcasts

Listen to interviews and conversations with a variety of leading experts in long-term care.

User-Friendly Fact Sheets Include:

- Abuse, Neglect & Exploitation
- Antipsychotic Drugging
- Bed Rails
- Dementia Care Practices
- Fall & Accident Prevention
- Food, Nutrition, and Dietary Services
- Pain Management
- Infection Prevention and Control
- Informed Consent
- Requirements for Nursing Home Care Staff & Administration
- Requirements for Nursing Home Physician, Rehab, & Dental Services
- Transfer & Discharge Rights

+ Why are Transfer & Discharge Requirements Important to Us?

- Violations of resident discharge and transfer rights are a serious and widespread problem in nursing homes in our communities and across the country.
- As the nursing home industry has become more sophisticated and corporatized, operators are:
 1. Better able to calculate the profitability of each resident, based on their care needs and payment source, and
 2. More likely to make decisions about admission and retention based on a resident's profitability.
- Transfer/Discharge is the biggest complaint category for LTC ombudsmen, yet it is rarely cited by the NYS Department of Health. As a result, facilities have little incentive to comply with the law.

For these reasons, it is important for residents, families, and those who work with them to understand resident rights. Knowledge = Power!

+ Two Aspects of Discharge Protections

I. Resident rights to stay in the facility

The facility must permit each resident to remain in the facility... unless:

1. The transfer or discharge is necessary for the resident's welfare and the resident's needs cannot be met in the facility;
2. The transfer or discharge is appropriate because the resident's health has improved sufficiently so the resident no longer needs the services provided by the facility;
3. The safety of individuals in the facility is endangered due to the clinical or behavioral status of the resident;
4. The health of individuals in the facility would otherwise be endangered;
5. The resident has failed, after reasonable and appropriate notice, to pay for (or to have paid under Medicare or Medicaid) a stay at the facility;
6. The facility ceases to operate.

+ Two Aspects of Discharge Protections

II. Resident rights to safe discharge

The facility must develop and implement an effective discharge planning process that focuses on the resident's discharge goals, the preparation of residents to be active partners and effectively transition them to post-discharge care, and the reduction of factors leading to preventable readmissions.



+ Right to Stay in the Facility – More Information

LONG TERM CARE COMMUNITY COALITION

Advancing Quality, Dignity & Justice

TRANSFER & DISCHARGE RIGHTS II

RIGHT TO RETURN; NOTICE REQUIREMENTS FOR BED-HOLD, TRANSFER & DISCHARGE

FACT SHEET

The threat of transfer or discharge from a nursing home can be stressful and frightening to a resident and their family. Our fact sheet *Transfer & Discharge Rights I* discusses fundamental resident protections, the right to appeal, and documentation requirements. This fact sheet presents additional useful information on resident rights. For the complete federal guidance on transfer and discharge rights, visit nursinghome411.org/discharge.

Notes: 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. Permitting Residents to Return to Facility [42 CFR 483.15(e)(1); F-627]

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. Orientation for Transfer or Discharge [42 CFR 483.15(c); F-627]

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.

III. Notice of Bed-Hold Policy [42 CFR 483.15(d); F-628]

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—

- 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;
- The reserve bed payment policy in the state plan..., if any;
- 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
- The information specified in paragraph (e)(1) of this section.

Note: Paragraph (e)(1) require facilities to permit residents to return to the facility immediately to the first available bed in a semi-private room.

LONG TERM CARE COMMUNITY COALITION

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TRANSFER & DISCHARGE RIGHTS III: INFO FOR LTC OMBUDSMEN

FACT SHEET

The threat of transfer or discharge from a nursing home can be dangerous, stressful, and overwhelming for residents and their families. Our fact sheets, *Transfer & Discharge Rights I* and *Transfer & Discharge Rights II*, offer information on resident rights, including protections against facility-initiated discharges, notice requirements, and more.

Given the critical role ombudsmen play in protecting residents and helping them and their families, federal rules and guidelines address the special role of the LTC Ombudsman Program in cases of transfer or discharge. **This fact sheet focuses on the rules and guidance relevant to ombudsmen and the role they have in ensuring that facilities follow transfer & discharge requirements.** For the complete federal guidance on transfer and discharge rights, visit nursinghome411.org/discharge.

Notes: 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. Emphases (bold) have been added by LTCCC.

I. Notice Before Transfer [42 CFR 483.15(c)(3); F-628]

Before a facility transfers a resident, it must provide:

- Written notice to the resident and his/her representative in language and manner that they can understand;
- Notice must be given at least 30 days in advance. (With very limited exceptions, such as when a resident cannot be cared for safely or is a danger to others, in which case "notice shall be given as soon as practicable before transfer or discharge" and the facility must document the danger that failure to transfer/discharge would impose.)
- The facility must send a copy of the notice to... the State Long-Term Care Ombudsman.

Important Notes:

- Previously, facilities were only required to send notice to the LTCOP when a discharge was "facility initiated." Now, **all discharge notices must be sent to the LTCOP.** This is important because, too often, facilities inaccurately identify facility-initiated discharges as resident-initiated in order to avoid these important reporting requirements.
- Federal Guidance states:** *The intent of sending copies of the notice to a representative of the Office of the State LTC Ombudsman is to provide added protection to residents from being inappropriately transferred or discharged, provide residents with access to an advocate who can inform them of their options and rights, and to ensure that the Office of the State LTC Ombudsman is aware of facility practices and activities related to transfers and discharges.*

The facility must maintain evidence that the notice was sent to the Ombudsman. While Ombudsman Programs vary from state to state, facilities should know the process for

Except in an emergency situation...

- The discharge notice must be sent to the LTCOP at the same time it is provided to the resident.
- Notices must be given at least 30 days in advance.

+ Right to Safe Discharge – More Information

The facility's discharge planning process must...

- Ensure that the discharge needs of each resident are identified and result in the development of a discharge plan for each resident.
- Include regular re-evaluation of residents to identify changes that require modification of the discharge plan. The discharge plan must be updated, as needed, to reflect these changes.
- Involve the interdisciplinary team... in the ongoing process of developing the discharge plan.
- Consider caregiver/support person availability and the resident's or caregiver's/support person(s) capacity and capability to perform required care, as part of the identification of discharge needs.
- Involve the resident and resident representative in the development of the discharge plan and inform the resident and resident representative of the final plan.
- Address the resident's goals of care and treatment preferences.
- Document that a resident has been asked about their interest in receiving information regarding returning to the community.

If discharge to the community is determined to not be feasible, the facility must document who made the determination and why.

+ Additional Resources at NH411

■ Hudson Valley Page

➤ <https://nursinghome411.org/states/ny/hudsonvalley/>

■ Supporting Your Constituents During a Nursing Home Stay: A Guide for Legislators and Elected Officials

➤ <https://nursinghome411.org/reports/guide-legislators/>

■ A Guide to Nursing Home Oversight & Enforcement

➤ <https://nursinghome411.org/reports-studies/guide-oversight/>

■ LTC in New York

➤ <https://nursinghome411.org/states/ny/>

■ Dementia Care Toolkits

➤ <https://nursinghome411.org/dementia-care-toolkits/>

www.nursinghome411.org



Thank You For Joining Us Today!

Next Program: April 9 at 11am

Agenda:

1. Data Update

2. Resident Rights: Dementia Care Standards.

Email info@ltccc.org to...

1. Suggest a topic for a future program or
2. Join our list-serve community, open only to residents, families, LTC Ombudsmen, and advocates in NY State.

You can also...

Visit us on the **Web** at www.nursinghome411.org.

Join us on **Facebook** at www.facebook.com/ltccc.

Follow us on **Instagram** at www.instagram.com/ltccoalition/.

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