

Long Term Care Ombudsman

Mission Statement

- ◆ To empower residents and advocate for the protection of residents' health, safety, welfare, and rights
- ◆ To promote or support resident councils, family councils, and community groups
- ◆ To represent the interests of residents before governmental agencies
- ◆ To analyze, comment on, and monitor laws, regulations, and policies pertinent to long term care residents



**For more information
please contact your local
Long Term Care
Ombudsman:**

Carson City:

3416 Goni Rd. Ste 132
Carson City, NV 89706
(775) 687-4210

Elko:

1010 Ruby Vista Dr Ste 104
Elko, NV 89801
(775) 753-8543

Las Vegas:

1860 E. Sahara Ave
Las Vegas, NV 89104
(702) 486-3572

Reno:

445 Apple St
Reno, NV 89502
(775) 688-2964

www.aging.state.nv.us



Nursing Home Discharges, Transfers, and Room Changes: Know Your Rights



State of Nevada
Aging and Disability
Services Division

Discharges

According to Nevada Revised Statute 449 and Code of Federal Regulations 483.12 the only legitimate reasons to be discharged from a Nursing Home are as follows:

- Transfer or discharge is necessary to meet the resident's welfare; and the resident's welfare cannot be met in the facility; (i.e. resident requires hospitalization)
- Resident is well enough to be discharged to a lower level of care and no longer needs Nursing Home placement;
- The resident has become a danger to themselves or others in the facility;
- The resident's health status is a danger to others in the facility; (i.e. infectious disease)
- The resident has failed to pay their bill after reasonable and appropriate notice; or
- The facility ceases to operate.

The need for all discharges must be appropriately documented by physicians and clinical staff. Moreover the facility is responsible to arrange for safe and appropriate discharge.

Transfers

A nursing facility must give you, your guardian, conservator or legally liable relative a written notice with at least 30 days notice before a resident is transferred or discharged. In order to ensure that the resident has been made aware of their rights and afforded the opportunity to appeal the nursing home must comply with all of the following notice requirements:

- The reason for transfer/ discharge.
- The date of the proposed transfer/ discharge.
- The location to which the nursing facility proposes transfer/ discharge
- Resident's right to a hearing to appeal the transfer/discharge.
- The procedures you must follow to request a hearing.
- The date by which you must request a hearing in order to prevent the transfer/ discharge.
- Resident's right to representation at the hearing.
- If a resident is being transferred to a hospital; information regarding holding your bed and readmission to the facility.
- Contact information for the Long-term Care Ombudsman.

Room Changes

Under the Code of Federal Regulations 483.10(b)(11) residents have an **absolute** right to refuse to accept

- a transfer from the portion of a nursing home designated as the Medicare wing to any other portion of the home
- a transfer from the portion of a nursing home designated as the Medicaid wing to any other portion of the home

Room-to-room transfers are permitted only in following instances:

- If it is necessary to promote the resident's well-being. (i.e. infection control or need for specialized equipment that cannot be accommodated in current room)
- If roommates are incompatible causing risk.
- If a temporary transfer is needed to make repairs or renovations. The resident has the right to return as soon as the repairs or renovations are completed.
- If the transfer is necessary to permit the admission of a resident of the opposite sex.
- If the resident no longer needs specialized medical equipment that cannot be moved from the resident's room, or another resident needs access to that equipment.
- If the resident no longer needs the specialized services or programming that is the focus of the area of the facility in which the patient is located.
- If facility wants to transfer a Medicaid recipient from a private room to a non-private room.
- If a temporary transfer is necessary because of an emergency. (i.e. infection control, environmental emergency)