

NOTICE BEFORE DISCHARGE

Every resident has a right and facilities are required to provide **reasonable advanced written notice of any planned discharge**. This notice is to be made to the resident and any authorized decision-maker, to a known family member, legal counsel and the resident's physician (unless the resident requests that the family not be notified). The notice must be made in writing, and in a language and manner that's understood by the resident and others.

The **written notice should be made at least thirty days before** the resident is to be discharged unless the continued presence of the resident at the facility endangers the health, safety or welfare of the resident or others, or should immediate transfer be required by the resident's urgent medical need, or should the resident's health improve sufficiently to allow a more immediate transfer. The resident may be discharged at his/her request or upon the informed consent of the resident's guardian. Should the resident elect to move sooner or if he/she hasn't resided at the facility for thirty days (or for any of the reasons stated above), notice should be made as soon as practicable before the discharge. The facility is required to provide sufficient preparation and orientation to the resident to ensure safe and orderly discharge, and is required to offer relocation assistance. Certain requirements establish timelines for notification of a discharge planning conference as well.

The written notice must state **the reason for discharge**. State and federal rules significantly restrict the circumstances under which a facility can involuntarily discharge a resident. The facility may not discharge and must allow the resident to remain in the facility unless the transfer is necessary for the resident's welfare and the resident's needs can't be met at the facility (in that he/she requires care other than that which the facility licensed and required to provide), unless the resident's (or other's) health or safety is endangered (or for a valid medical reason based upon an appropriate assessment, or in an emergency or disaster), unless the resident's health has improved so that the resident no longer needs the facility's services (or the short-term care period for which the resident was admitted had expired), unless the resident has failed to pay for the stay at the facility (after having has a reasonable and appropriate notice), or unless the facility ceases to operate. The notice must explain the need for and any alternatives to transfer.

The written notice must state **the location to which the resident is to be discharged**. The resident may not be involuntarily discharged unless an alternate living arrangement has accepted the resident and the alternate placement is arranged. A facility to which the resident is to be discharged must have accepted the resident for and in advance of the transfer, except in a medical emergency (or if the transfer is for nonpayment of charges after a reasonable opportunity to pay).

The written notice must state **the effective date of discharge**. The resident may not be involuntarily discharged unless alternate living arrangements have been secured and the resident has been provided with sufficient orientation and adequate preparation.

The written notice must inform the resident of **the right to appeal the discharge decision** and explain how to appeal the action. No resident, having appropriately filed a written appeal, may be discharged until after the Division of Quality Assurance has completed its review and has notified both the resident and the facility of its decision.

The written notice must provide the resident with **contact information** (name, address and telephone number) for the nearest office of the Division of Quality Assurance and for either the Ombudsman program (Board on Aging and Long Term Care) or protection and advocacy organization (Disability Rights Wisconsin).