DIVISION OF QUALITY ASSURANCE

Jim Doyle
Governor

Karen E. Timberlake
Secretary

State of Wisconsin
Department of Health Services

1 WEST WILSON STREET
P O BOX 2969
MADISON WI 53701-2969

Telephone: 608-266-8481
FAX: 608-267-0352
TTY: 888-241-9432
dhs.wisconsin.gov

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To: Nursing Homes NH 15

From: Alfred C. Johnson, Director
Bureau of Technology, Licensing & Education

Paul H. Peshek, Director
Bureau of Nursing Home Resident Care

cc: Otis Woods, Administrator
Division of Quality Assurance

Residents' Right to Transfer and Discharge Protections

This memorandum is to reinforce the concept that residents have rights and protections when going through a transfer or discharge process. The resident, the resident's physician and, if known, an immediate family member or legal counsel, guardian, relative or other responsible person must be provided with written notice whenever discharge from the facility is decided regardless of whether it's voluntary or involuntary in nature or who initiates the discharge. Once a facility notifies a resident of an involuntary discharge, the resident has the right to appeal. Residents also have the right to be represented by counsel.

Attached to this memo is an example of a Discharge Notice and Notice before Discharge cover sheet providers can utilize to plan for discharge or transfer. These attachments were created by the State of Wisconsin-Board on Aging and Long Term Care. The facility should consider encouraging any resident being considered for involuntary discharge to contact an Ombudsman before issuing notice to assist with possibly resolving any issue leading up to the discharge decision.

The Notice before Discharge cover sheet provides information about the contents and timing, and direction for providers to complete the Discharge Notice. The Notice addresses reasonable advanced written notice, reason for the discharge, location to which the resident is to be discharged, effective date of discharge, rights to appeal the discharge decision and contact information. In most circumstances, suitable alternate living arrangements must first be secured before a resident is involuntarily discharged.

The Discharge Notice clearly outlines the required components providers must complete. The Notice is to be made to the resident and any authorized decision-maker. The Notice affords the

resident the reason and anticipated date of discharge, advocate contact information, and the right to appeal the discharge decision.

In addition, we have attached the related federal and state requirements regarding the appeal procedures and adequate prior notice before planning for discharge or transfer of residents.

If you have any questions, please contact Dinh Tran, Social Services Consultant, at (608) 266-6646.

Attachments:
Example of Discharge Notice (PDF, 39 KB)
Example of a Notice before Discharge cover sheet (PDF, 15 KB)
Federal and State requirements (PDF, 26 KB)