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Date: April 26, 2011

DQA Memo 11-011

To: Nursing Homes

NH 06

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

cc: Otis Woods, Administrator
Division of Quality Assurance

Residents' Transfer and Discharge Protections
***** Memo revised to clarify issuing an appeal notice*****

The purpose of this memorandum is to remind nursing home providers of the protections afforded to residents going through a transfer or discharge process. The facility must provide the resident and /or legal decision-maker with written notice when a decision has been made to involuntarily discharge the resident from the facility. Once a facility notifies a resident of an impending involuntary discharge from the facility, the resident has the right to appeal the discharge decision. The facility must provide the resident with contact information for advocates such as a long-term care Ombudsman (for persons over age 60) or a representative from Disability Rights Wisconsin, or DRW, the advocacy organization for persons with disabilities.

Attached to this memo is a sample Discharge Notice and Notice before Discharge cover sheet that providers may utilize to plan for an involuntary discharge or transfer. These attachments were developed in coordination with the State of Wisconsin-Board on Aging and Long Term Care (BOALTC). The facility should consider encouraging any resident being considered for involuntary discharge or transfer to contact an Ombudsman or advocacy organization, such as BOALTC or DRW, before issuing the notice to assist the resident in resolving any issue that led up to the discharge decision.

The Notice before Discharge cover sheet provides information about the contents and timing of the notice and direction for completing 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 information providers are required to give to affected residents. The Notice is to be made to the resident and any authorized decision-maker. The

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

In addition, attached are 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

[Nursing Home Federal and State Requirements](#) (PDF, 26 KB)

[Example of Discharge Notice](#) (PDF, 39 KB)

[Example of a Notice before Discharge cover sheet](#) (PDF, 15 KB)