

MO Long-Term Care Discharge Policies

Discharging a resident from a long-term care community can be a scary experience, for both the resident and the facility. Listed here are the key policies you need to know about transfers and discharges in the state of Missouri.

LEGAL REASONS FOR DISCHARGE

- Facility can't meet *resident needs*
- Resident *health has improved* sufficiently to no longer need care
- Safety or health of resident or other residents is *endangered*
- Resident *fails to pay* after given appropriate notice
- Facility *shut-down*

Bed Holds

Residents who must be taken to the hospital or another medical facility for illness, injury, or surgery may retain residency or be readmitted to the facility. The resident must not be away from the facility for more than **45 days** and *written physician approval* is required.

Appeals

Residents have the right to appeal all discharges *within 30 days of notice* of discharge. Discharges will be stayed until a hearing occurs, unless the facility has sufficient reason not to do so. Appeals should be filed at:

**Administrative Hearing Section,
Division of Legal Services
P.O. Box 1527, Jefferson City, MO 65102**

Procedures

Residents must be notified of intentions of discharge *no later than 30 days before* the date of release.

Written notice of discharge must be given to: the resident; any legally authorized representative(s); and at least one family member OR the State Ombudsman Office.

The notice must include: reason for discharge; effective date of release; notice of right to appeal; location resident is being released to; contact information for regional ombudsman office; contact information for the MO Protection and Advocacy Agency for those Medicare/Medicaid eligible residents with developmental disabilities.

For discharges related to the health and safety of the resident or other individuals, *documentation from a physician* as well as the facility administrator or director of nursing is required.

EMERGENCY DISCHARGE

The 30 day notice requirement of release **MAY NOT APPLY** for the following situations:

- The *health or safety* of individuals in the facility is at significant risk
- Individual *health has improved* sufficiently and does not need care
- *Urgent medical needs*
- The resident *has not been living in the facility* for 30 days without approved bed hold

Proof of endangered health or safety must be documented by the facility