

Preserving Residents' Rights During Discharges

EMPOWER AND PROTECT: SAFEGUARDING OLDER ADULTS

LTC CONFERENCE

APRIL 17, 2024









Lisa Smith, MHA, CDP Lead Regional Ombudsman Coordinator

Katie Morrison, MSG, CDP Regional Ombudsman Coordinator

Jen Joy, MSW, CDP Regional Ombudsman Coordinator

Kayla Peniston, MSW, CDP Regional Ombudsman Coordinator



ISMo.
(B) If the points total less than twenty (20)
(B) If the points total less than twenty (20) (B) If the priors seed less than every (20)

Sponsine de point sur firmation on the Ecclisis of Maria 19-9, 20,010

ATTHORITY: Exercise 19-21.8, ESMs Suppercent and are mode as corrected during reimprecions. If the drugs the reimprecions of the region of the seed as corrected during reimprecions. If the drugs the reimprecions of the region of the seed of the region of the r or more, the facility will be deceased to be in

19 CSR 30-82-050 Transfer and Discharge
substantial noncompliance under the Onni
Procedures

19 LSR 30-82-050 Transfer and Discharge
substantial noncompliance under the Onni
Procedures

19 LSR 30-82-050 Transfer and Discharge
substantial noncompliance under the Onni
Procedures

19 LSR 30-82-050 Transfer and Discharge
substantial noncompliance to the Procedures

19 LSR 30-82-050 Transfer and Discharge
substantial noncompliance to the Procedures

19 LSR 30-82-050 Transfer and Discharge
substantial noncompliance under the Onni
Procedures

tive Oct. 13, 1983. Moved to 19 CSR 30- to, agreed with, or requested the discharge; no family member known to the facility, the 82.020, effective Aug. 28, 2001. or

whential accompliance under the Omi-sol Nineigh Banes. Act and the drivines under Section 1 and (C) The division shall not revoke an operation of the rest in the control of the rest in the rest in the part of the rest in the part of the rest in the part of the rest in the rest i

one imministend setting to accorde imministend testing to accord and under circumstance of the operator can show that the violations and the cereative of the resident facility noted, that the operator made a possibly not of the face operator can show that the violation and the circumstance of the resident face of the complete of the cereative of the resident face of the complete of the content of the resident face of the content of the c

ordered the transfer and the releasing facility intends to readmit the resident if requested to do so; (D) Consent of the resident means that the

resident, with sufficient mental capacity to fully understand the effects and consequence

(A) The transfer or discharge is appropri-

Chapter 82-General Licensure Requirements

good cause hearing and the resident's discoinclude, but are not limited to onal and writing been or would be rejected for employment by

sledn's legally authorised representative, and seep line in commissionation by the districts or on any and all parties in interest, including line liberal estignated hereign effects. An audio-state of the discharge, that are known to the designature of the discharge, that are known to the designature of the discharge of the line. The written note that are confired measured as confired measured as a confired measured as a confired measured.

sofdand and the designated harring efficial tools and following the facility whole to be sold to be stored to be sold to be stored to be sold t ted representative and counsels for all par-les, if any. If the state long-term care first available bed without regard to any wait-for temp methodismits offices received notice of the single desired for the state of the straing desired for the straing desired for the straing desired for the straing desired for the strain of the strain o ved notice of the ing list maintained by the facility.

Good Cause Walver

[12] The resident may obtain legal counsel, represent him/herself or use a relative, a PURPOSE: This rule is being promulated to cast is or was a student enrolled for the purrepresent himberself or use a relative, as PGRPSCS. This rule is being promulgated as the first of soften policyperson. All intainal gas establish the proceeder by soling pressure as the control of the partnership berrary of a facility operated in disciplination of the partnership berrary of a facility operated in all soling procedures in a part or capacity on behalf of the partnership berrary of the partnership berrary on the partnership berrary of the director for a good cause of the partnership berrary of the director for a good cause of the partnership berrary of the director for a good cause of the partnership berrary of the director for a good cause of the partnership berrary of the director for a good cause of the partnership berrary of the director for a good cause of the partnership berrary of the director is in decreasing the partnership berrary of the director for a good cause of the partnership berrary of the director for a good cause of the partnership berrary of the director for a good cause of the partnership berrary of the director for a good cause of the partnership berrary of the director is in decreasing the partnership berrary of the director is in decreasing the partnership berrary of the director is in decreasing the partnership berrary of the director is in decreasing the partnership berrary of the director is in decreasing the partnership berrary of the director is in decreasing the partnership berrary of the director is in decreasing the partnership berrary of the director is in decreasing the partnership berrary of the director is in d

483, subpart E and the Missouri Administra-

good came bearing and the resident's dis-charge hearing were consolidated, the ordination is the residence, witness, objections, affection, transcript, depositions of the charge hearing were consolidated, and the facility may discharge the resident. An extra consolidated in the charge and the size of the discharge the resident of the size of the size

19 CSR 30-82 CSR

the resident's discharge hearing were not con-olidated and the designated hearing official of an additional ten (10) days after the deci-is conducted and demonstrates that such

3. Employs purses or nursing assistants

(11) The borden of showing that the facility
has completed with all requirements for appropriate discharge of the resident shall be reported as the resident shall be reported to the resident shall be reported as the resident shall be reported by the reported by the resident shall be reported by the resident shall be reported by the reported by the reported by the resident shall be reported by the reported

probibiting such persons from being hired by the Procedures Act, specifically sections (1) Definitions.

536.070 through 536.080, RSMo, which (A) Applicant means a person who has may be so employed unless rejected for 19 CSR 30-82-DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 30—Division of Regulation and Licensure

the current address and stelephone number of the protection advocacy agency. If it has the charged the protection advocacy agency, and the protection and advocacy agency. The stellar and the protection and advocacy agency. The stellar and the protection and advocacy agency. The stellar and the protection and advocacy agency and the stellar and the protection and the stellar and t Act. For Medicare and Medicaid certified dent's behalf. A Nursing Facility Transfer or in writing. All parties and rep

tamusy member, and in a case where notice for or discharge, or prior to the time when (7) The director of the Department of Social was required to be sent to the regional

Act. For Medicare and Medicals certified and in Sebald. A Starting Facility Transfer or in writing. All parties and representatives the Declarge Henning Regions from MDD Transfer in Section 19 Secti

for or discharge, or prior to the time when the transferring or discharge the discharge services that discharges a bezing efficient of the Department of Social was required to be east to the regional decided to transfer or discharge the resistance.

5) The motive of transfer or discharge the resistance of the designation of the designated hearing efficial shall with the selection of the designation of the designated hearing efficial shall tool to the proposal of the designation of th

propoptiate regional coordinator of the Mis-nuri State Ombudsman's office; before the discharge when it is specifically foll include in the written notice the fel-alleged in the notice that-

(ii) Include in the written notice the following information:

(iii) The unity of distribution in the facility of the distribution of the transfer or distribution of the facility of the faci transfer or discharge notice to the director of
the behalf or discholars in the facility wate in the facility of the facility water of the property of the pro

5. That filing an appeal will allow a re-ident to remain in the facility until the hear-ing in held unless a hearing official folio oth-erwise:

or common the facility until the hearing official folio oth-erwise:

or common the facility until the hearing official folio oth-erwise:

or common the residency of ficial residency of the facility of the Administration of the content of this rule, or ingo live and other the administration of the residency of the facility of the facility of the content of the rule of th 6. The location to which the resident is
(E) The resident has not resided in the facility must provide a copy of the ing transferred or discharged:
(E) The resident has not resided in the facility must provide a copy of the facility for thirty (30) days.

The facility must provide a copy of the Motion to Set Aside the Stay to the resident, 6. The location to which the resident is

(b) The resident has not resided in the

English per stury (500) days.

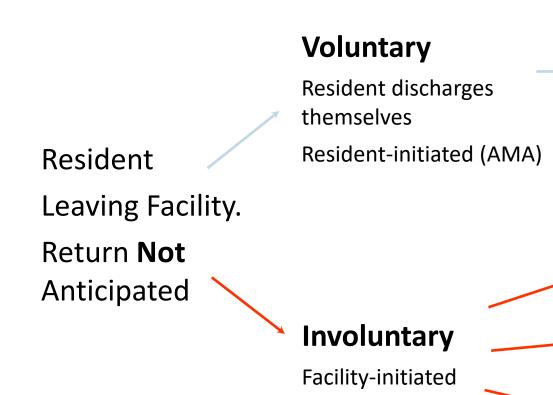
7. The most, address, and the same and the same

resident is to be transferred or discharged. In hearing has been scheduled.

an order granting or denying the facility's the case of an emergency discharge, the (B) The hearing may be held by telephone Motion to Set Aside the Stay. If the facility's

CODE OF STATE REGULATIONS

19 CSR 30-82.050 Transfer and Discharge Procedures



discharges

While no discharge letter is issued, facility still needs to complete discharge planning.

Depending on facility policy, resident may need to notify facility in advance.

30-day discharge:

Facility must issue a discharge letter to resident.

E.g. Non-payment discharge.

Emergency discharge:

Facility must issue a discharge letter to resident.

E.g. Resident is harmful to themselves or others

Rehab discharge:

Medicare coverage discontinued.

Facility must notify resident as early as possible.

Types of Discharges

30-day: Facility Shall Permit Each Resident to Remain in the Facility Unless-

The federal statute, Nursing Home Reform Law, 1987

- (A) The transfer or discharge is appropriate because the resident's welfare and the resident's needs cannot be met by the facility (the facility cannot meet the resident's needs)
- (B) The transfer or discharge is appropriate because the resident's health has improved sufficiently so the resident no longer needs the services provided by the facility (the resident does not need nursing facility services anymore)
- (C) The safety of individuals in the facility is endangered (the resident's presence endangers the safety of self and/or others in the facility)

30-day: Facility Shall Permit Each Resident to Remain in the Facility Unless-

- (D) The health of individuals in the facility would otherwise be endangered (the resident's presence endangers the health of self and/or others in the facility)
- (E) The resident has failed, after reasonable and appropriate notice, to pay for (or have paid under Medicare or Medicaid) a stay at the facility. For a resident who becomes eligible for Medicaid after admission to a facility, the facility may charge that resident only allowable charges under Medicaid (the resident has failed to pay)
- (F) The facility ceases to operate (the facility is closing) 60-day notice

https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/downloads/som107ap pp guid elines ltcf.pdf

pg. 696 – pg. 702 (863-page Appendix PP, Rev. 211, 02/03/2023)

Resident's Welfare & Needs Can't Be Met For a facility to issue a discharge with this very reason, the resident's physician must document below:

- Specific need(s) that the facility allegedly cannot meet
- Attempts by the facility to meet the need(s)
- Services available at the receiving facility that supposedly will meet the need(s)

Emergency Discharge

- (A) The safety of individuals in the facility is endangered
- (B) The health of individuals in the facility is endangered
- (C) The resident's health has improved sufficiently so the resident no longer needs the services provided by the facility

- (D) An immediate transfer or discharge is required by the resident's urgent medical needs
- (E) The resident has not resided in the facility for thirty (30) days

An emergency discharge is resulted from an urgent, drastic incident, and this kind of discharge needs to be issued ASAP

Proper Discharge Letter

A written discharge notice in a "language and manner" understood by the resident and representative(s) must include:

- •The reason for the transfer/discharge
- The proposed effective date
- •The location to which the resident will be transferred or discharged
- Information on the resident's appeal rights
- •Contact info for the Long-Term Care Ombudsman Program and (if applicable) the agencies responsible for advocacy on behalf of persons with intellectual and developmental disabilities, or persons with mental disorders

RESIDENTS NAME		RESIDENT'S TELEPHONE	DATE
ADDRESS			
NURSING FACILITY NAME		MURGING FACILITY TELEPHONE	NURSING FACILITY FAX
ADDRESS			A.
ON	(EEIVED A NOTICE OF THE		
TRANSFER OR THE RESIDENT PROVIDED FOR PRESCRITS SIGNATURE, WAR INDIVIDUAL MAKING	DISCHARGE THE RESIDENT IS REQUESTING A HEARING R UNDER 19 CSR 30-82.050. N POSSBULI) REQUEST ON RESIDENT'S BEHALF:		NG FACILITY'S DECISION
TRANSFER OR THE RESIDENT PROVIDED FOR PREDENTS SIGNATURE, WHE INDIVIDUAL MAKING	IS REQUESTING A HEARING R UNDER 19 CSR 30-82.050.		NG FACILITY'S DECISION
TRANSFER OR THE RESIDENT PROVIDED FOF PROVIDED FOF INDIVIDUAL MAKING	IS REQUESTING A HEARING R UNDER 19 CSR 30-82.050.	TO APPEAL THE NURSIN	NG FACILITY'S DECISION
TRANSFER OR THE RESIDENT PROVIDED FOR	IS REQUESTING A HEARING RUNDER 19 CSR 30-82.050. N POSSELS) REQUEST ON RESIDENT'S BEHALF:	DEPARTMENT OF HEALTH A APPEALS UNIT P.O. BOX 570, 912 WILDWOO JEFFERSON CITY, MO 65109	NO SENIOR SERVICES D DRIVE 3RD FLOOR -0570 -0585 APPEAL S@health.mo.gov

DHSS Appeals Unit

DEPT OF HEALTH & SENIOR SERVICES

APPEALS UNIT
P.O. BOX 570
912 WILDWOOD DR. 3RD FLOOR
JEFFERSON CITY, MO 65109-0570

FAX: (573) 751-0247

PHONE: (573) 522-1699

DHSS.APPEALS@health.mo.gov

As of 9/16/2021, Appeals Unit has become part of DHSS. The discharge appeals and hearings are no longer processed by the former Hearings Unit (Dept. of Social Services, Div. of Legal Services). Make sure you use the correct form on the left & correct info above.

Reminders for Facilities

Resident must receive a written discharge letter (No verbal discharges)

Keep the Ombudsman informed throughout the discharge process. Provide a copy of the letter to your Ombudsman: info@voycestl.org

Notify resident's representatives (POA, emergency contact, payee, guardian), community case workers, physicians

Make sure your discharge letter info is correct and accurate, e.g. appeal info included; from issue date to effective discharge date, it is 30 days

Resident has right to remain in the facility until discharge date. If an appeal is filed, resident has right to remain in the facility through the appeal process, unless **Motion to Set Aside Stay** is filed by the facility's lawyer against resident's appeal

In a hearing, facility must be represented by an attorney licensed to practice law in MO

Facility's discharge planning starts when facility first considers to admit resident

Submit monthly transfer logs to the Ombudsman Program: info@voycestl.org

Resources

https://health.mo.gov/seniors/ombudsman/resources.php

https://www.justiceinaging.org/wp-content/uploads/2017/01/Revised-Nursing-Facility-Regulations_Involuntary-Transfer-and-Discharge.pdf

https://ncler.acl.gov/pdf/LTC%20and%20Evictions%20Issue%20Brief.pdf?eType=EmailBlastContent&eId=30e2c573-ddfa-43cd-b4dc-9622198a8ce3

https://justiceinaging.org/our-work/healthcare/long-term-services-and-supports/nursing-facilities/?eType=EmailBlastContent&eld=0c61e950-1606-43e2-b6ee-cb0252e01391&eType=EmailBlastContent&eld=30e2c573-ddfa-43cd-b4dc-9622198a8ce3

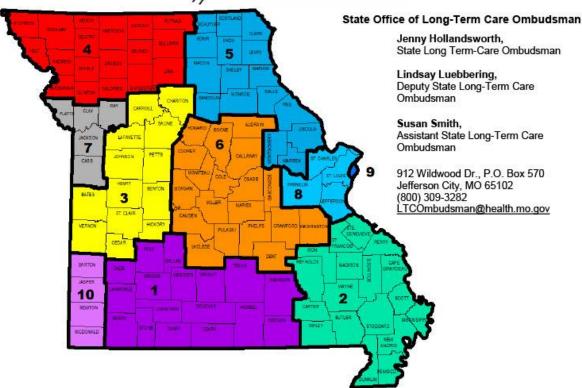
https://www.justiceinaging.org/wp-content/uploads/2019/01/25-Common-Nursing-Home-Problems-and-How-to-Resolve-Them Final.pdf?eType=EmailBlastContent&eId=30e2c573-ddfa-43cd-b4dc-9622198a8ce3

https://theconsumervoice.org/uploads/files/issues/Resident and Facility Factors Associated with High Risks of Discharge.pdf

Bed Hold: https://ltcombudsman.org/uploads/files/support/BedHoldPolicy_by_State_2019.pdf

MO Protection and Advocacy Services: http://www.moadvocacy.org/





- 1/10 Council of Churches of the Ozarks 3055 E. Division St., P.O. Box 3947 G.S. Springfield, MO 65802 (417) 862-3598 FAX: (417) 862-2129 www.ccozarks.org
- Aging Matters
 1078 Wolverine, Suite J
 Cape Girardeau, MO 63701
 (573) 335-3331 or (800) 392-8771
 FAX: (573) 335-3017
 www.agingmatters2u.com
- Care Connection for Aging Services 106 W. Young St., P.O. Box 1078 Warrensburg, MO 64093 (660) 747-3107 or (800) 748-7826 FAX: (660) 747-3100 www.goaging.org

- Young at Heart Resources 1304 N. Walnut, Suite 150, P.O. Box 185 Cameron, MO 64429 (660) 240-9400 FAX: (816) 396-0568 www.yahresources.org
- Aging Best 201 W. Broadway, Bldg. 1, Suite E Columbia, MO 65203 (573) 443-5823 or (800) 369-5211 FAX: (573) 875-8907 www.agingbest.org
- Mid-America Regional Council
 600 Broadway, Suite 200
 Kansas City, MO 64105-1536
 (816) 474-4240 FAX: (816) 421-7758
 www.marc.org

5/8/9. VOYCE 8050 Watson Road, Suite 155 St. Louis, MO 63119 (314) 918-8222 or (866) 918-8222 www.voycestl.org info@voycestl.org (email)

Ombudsman (om-budz-man)

https://health.mo.gov/seniors/ombudsman/pdf/regional-map.pdf



https://apps4.mo.gov/APS_Portal/

LTC Ombudsman 1 (800) 309-3282 (314) 918-8222





ABUSE, NEGLECT, EXPLOITATION, BULLYING

