**Involuntary Discharge Protections**

**for Nursing Home Residents**

Nursing Home Residents Have Protections Against Involuntary Discharge Under the Law

Under the Nursing Home Reform Act of 1987, nursing home residents cannot be transferred or discharged from their facility unless:

* The nursing home cannot provide adequate care for the resident;
* The resident no longer needs nursing home care;
* The safety of others in the facility are endangered;
* The health of others in the facility are endangered;
* The resident has failed, after reasonable and appropriate notice, to pay for care; or
* The facility ceases to operate.

If a nursing home wants to transfer or discharge a resident, it must provide notice in writing that includes:

* The reason for transfer or discharge,
* The location to which the resident will be moved,
* The date of transfer or discharge, and
* Information about the resident’s right to appeal the transfer or discharge with the contact information for the Long Term Care Ombudsman program.

The nursing home must provide discharge planning to the resident being transferred or discharged.

A resident must have at least thirty (30) days’ notice in writing of any transfer or discharge. In emergency situations, where the nursing home believes a resident may be a danger to themselves or others, the notice should be given as soon as possible before the discharge takes place.

The notice of transfer or discharge must include information about how to request a hearing. Nursing home residents have a right to appeal their transfer or discharge. Residents also have the right to seek legal counsel to appeal. The appeal should be done in writing. A copy of the appeal, along with the resolution of the appeal, should be included in the resident’s record.