

To: The Residents of XXXXXXXX Health Center
and Their Families and Friends

From: Attorney
Connecticut Legal Services, Inc.

Re: Nursing Home Closing - Resident Rights and Options

Date:

You have rights as a nursing home resident. Federal and state law strictly controls transfers and discharges of residents from a nursing home. These laws apply even when a nursing home is closing.

There Must be a Public Hearing about the Proposed Closing

Even though you have been told that XXXXXXXXXXXX is closing, under Connecticut law the Department of Social Services (DSS) must hold a public hearing before a nursing home is allowed to close. You and others concerned about the closing may speak or submit written information at the public hearing. You should contact your legislators and community leaders and ask them to express their views about the closing to DSS. There must be at least two weeks notice before the public hearing. After the public hearing, DSS has to decide whether to allow XXXXXXXXXXXX to close.

You Must Receive a Notice of Discharge

Even if DSS allows XXXXXXXXXXXXXXXX to close, the nursing home must give you a written notice at least 30 days before discharging you to another nursing home or other place. The nursing home must also help you to find an appropriate place to live.

The Discharge Notice must tell you

- The date of the discharge
- The place to which the nursing home plans to discharge you
- The reason for the discharge

- How and when to request a fair hearing

The closing of XXXXXXXX is a valid reason for discharge. However, the closing cannot be used as a reason until after the public hearing and approval of the closing by the DSS.

You Must Receive a Discharge Plan:

Except in an emergency, the nursing home must give you and your doctor, guardian, conservator or legally liable relative a copy of your discharge plan at least 30 days before the proposed transfer date. The closing of the nursing home is not considered an emergency.

The discharge plan must:

- Be in writing
- Consider placement near your relatives
- Describe the effects of the discharge on you and how the nursing home will make the discharge less disturbing
- Outline the care and services you will receive when you are discharged
- Be developed by your doctor or the medical director together with other nursing home staff, and include you and your family in the planning

You Can Ask for a Fair Hearing

If you disagree with the proposed discharge or the discharge plan, you can ask the Department of Social Services for a fair hearing. You must request the hearing by writing to:

Department of Social Services
Office of Legal Counsel, Regulations & Administrative Hearings
25 Sigourney Street
Hartford, CT 06106-0380
Tel: (860) 424-5760
Fax: (860) 424-5729

If you ask for this hearing within 20 days of the date of the discharge notice, the facility cannot transfer you until a hearing is held and a decision issued. This appeal process may take a few months.

You can represent yourself at the hearing or have a lawyer, relative, friend or other person represent you at the hearing. Connecticut Legal Services, Inc. may be able to represent you. Please feel free to contact us at:

Priority admission at another nursing facility:

Other nursing facilities in the area may have admission waiting lists. Residents coming from a facility that is closing, however, get priority. The laws are complicated, but it may be illegal for a nursing home to deny admission to those transferred from XXXXXXXXXXXX Health Center, if the facility officially closes.

Therefore, you may want to put your name on the waiting lists of other nursing facilities by submitting an application, in case this facility does close. Placing a resident's name on another facility's waiting list does not mean that the resident wants to, or has to, leave XXXXXXXXXXXX Health Center; it is simply a practical precaution.

Alternatives to nursing home care:

Connecticut now has a number of programs that provide medical and support care for the elderly and those with disabilities in private homes. If you would like to live in the community rather than transfer to another nursing home, you can apply for home care or obtain more information on these programs by calling the Home & Community Based Services Unit of the Department of Social Services at 1-800-445-5394.

There is also a program called Money Follows the Person ("MFP"), which helps nursing home residents transition back to the community. You can get more information about MFP at 1-888-992-8637.

Available assistance:

You can obtain advice, assistance and legal representation regarding transfers and discharges from Connecticut Legal Services. Please feel free to call Attorney _____, if you have questions or if you need legal assistance. (If you do not reach Attorney _____, please be sure to leave a message with your name and contact information). Connecticut Legal Services, Inc. is a private, non-profit law firm. We are not affiliated with the State of Connecticut. There is no charge for our services.

You can also obtain assistance from the State of Connecticut's Long-term Care Regional Ombudsman. The local number is _____