



### **Nursing Home Resident Rights: Involuntary Transfer or Discharge**

Every nursing home resident has the right to receive advance written notice prior to be asked to leave and has the right to appeal. The following provides a brief overview on resident rights and how to appeal an involuntary discharge/transfer. For additional information and resources, please visit: <https://elderjusticenyc.org/resources/long-term-care-resources/> to access a detailed [guide](#) on resident rights when being asked to leave and other resident rights information.

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There are **only 6 reasons** a nursing home may ask you to leave and **you have the right to appeal each** instance and remain in the facility:

1. It is necessary for your welfare and your needs cannot be met;
2. It is appropriate because your health has improved sufficiently so you no longer need nursing home level of care;
3. Your clinical or behavioral status places the safety of individuals in the facility in danger;
4. The health of individuals in the facility would otherwise be endangered;
5. Failure to pay; or
6. Facility closure.

\*If the facility is asking you to leave for any other reason, you also have the right to appeal.

**Once the nursing home admits you as a new resident, it is the facility's responsibility to meet your care needs and you have rights.** Common scenarios that you can appeal:

- You are transferred to the hospital and refused readmission.
- There is no discharge location or the discharge location is not safe.
- You need "long-term care".
- Insufficient staffing.

#### **How to appeal an involuntary transfer or discharge from a nursing home**

1. Call the NYS Dept. of Health: 1-888-201-4563 and clearly state you are appealing an involuntary discharge. An appeal can also be filed by emailing: [nhintake@health.ny.gov](mailto:nhintake@health.ny.gov)
2. Inform the facility you have filed an appeal and are asserting your right to not be moved during the appeals process.

After the appeal is filed, the NYS Dept. of Health will schedule a hearing before an Administrative Law Judge. You have the right to retain attorney representation, but an attorney will not be appointed.

To speak with an attorney, contact the Center for Elder Law & Justice Free Senior Legal Advice Helpline (ages 55+) 1-844-481-0973 or email [helpline@elderjusticenyc.org](mailto:helpline@elderjusticenyc.org).

To speak with an Ombudsman, contact the Long Term Care Ombudsman Program 1-855-582-6769

\*The above is for informational purposes only and should not be construed as legal advice.