



When a Nursing Home Refuses to Accept a Patient Back After Hospitalization

Discharge Notice: NH provides either verbal or written notice of refusal to accept an individual back from the hospital.



Patient Meeting: Hospital staff, typically discharge staff, will meet with the individual or someone with authority to act on the individual's behalf. The goal of the patient meeting is to determine if the individual would like to return to the NH.



Patient Does Not Wish to Return to NH: the hospital coordinates a discharge plan as otherwise is normally coordinated. LTCOP is available to discuss NH resident rights with the patient. ()

Patient Desires to Return to NH: The patient has the right to return to the first available bed at the NH. The hospital can assist the patient by:

- Providing the patient with the enclosed resident right handout and connect the patient with LTCOP by calling ();
- Assist patient with placing a call to the Department of Health (DOH) to appeal the discharge and request a hearing with the Bureau of Adjudication (BOA);
- Connect the patient with local legal services or other entity for potential representation.



Records Needed for Hearing: While the NH has the burden of proving the discharge to the hospital was appropriate, the patient has the right to produce records. The hospital admission evaluation of the patient as well as any records reflecting that the patient is not in need of hospital level of care can be requested from the hospital. *



Pre-hearing Conference: It is encouraged that hospital staff, legal services (or other counsel retained by the patient as applicable), and/or LTCOP meet at least one day prior to the scheduled hearing date. This allows coordination of case presentation including evidence and witnesses. Testimony from hospital staff can be considered on a case-by-case basis.