



Long-Term Care

**Ombudsman
Program** FLORIDA

My nursing home says I have to leave... Now what?

**A guide for residents and their loved ones
when a nursing home wants to
discharge a resident.**



The discharges described in this booklet apply if you, as a resident, object to the discharge, did not request it, and/or do not agree with it.

Your Rights

You have the right to remain in the nursing home. There are only six reasons why a nursing home may initiate a discharge against your wishes.

The nursing home must give you written notice that it is planning to discharge you.

You may appeal the discharge if you don't want to leave.

The facility may only discharge you to a safe location where your needs can be met.



Six Reasons for a Nursing Facility Discharge

- 1 Your welfare and needs cannot be met in the facility.
- 2 Your health has improved, and you no longer need nursing home services.
- 3 The safety of others in the facility is endangered.
- 4 The health of others in the facility is endangered.
- 5 You have failed to pay (after reasonable and appropriate notice) for your stay.
- 6 The facility is closing.



The Florida Long-Term Care Ombudsman Program Is Here To Help!

The Ombudsman Program advocates for residents who live in nursing homes. Ombudsmen are trained to resolve residents' problems. They are guided by residents' wishes and advocate for the issues residents care about. Ombudsmen represent residents' interests and do not work for the nursing home.

During a proposed discharge, an ombudsman can answer your questions, work to address your concerns, and provide support and assistance. If you have been informed, either verbally or in writing, that you are being discharged, and you believe you should be able to remain in the facility, **contact the Florida Long-Term Care Ombudsman Program.**



1-888-831-0404

Ombudsman services are free and
confidential



Written Notice Required!

If the facility initiates a discharge, they must give a written notice to you, your representative (a person you've chosen to act on your behalf, like a family member, a power of attorney, a guardian, etc.), and the Ombudsman Program. The notice must be given at least **30 days** before the planned date of discharge except under certain circumstances. For example, if you have been in the facility **less than 30 days**, the written notice of discharge must be provided **as soon as practicable**. The notice from Medicare for discharge is **NOT** the same as the 30-day notice a facility must give you when they decide to discharge you as a resident.

The notice must contain the following information in a way you can understand:

- The reason for the discharge
- The date of the discharge
- A statement of your right to appeal the discharge
- The location to which you will be discharged



Sometimes nursing home staff will tell a resident to think about moving to another nursing home. This is not an official discharge notice. Contact the Ombudsman Program if you hear anything like the comments below.



"Your Medicare days are up so you have to leave."



"We can't meet your needs here, and we are happy to find somewhere else for you to go."

What Are My Options?

You may choose to leave the nursing home or stay and challenge the proposed discharge.

1

I am willing to leave the nursing home.

Work with the person in the nursing home who is responsible for making sure you have a safe and appropriate discharge plan that you agree with.

Discuss your options with your loved ones, your doctor, and nursing home staff. For instance:

- Do you want to move back into the community?
- Do you want to move into an assisted living facility?
- Do you want to move to another nursing home?

Ask for a meeting to express your wishes and decide on a discharge plan you agree with. The ombudsman can assist you during this meeting if you wish.

The nursing home is required to plan for a discharge that meets your health and safety needs, as well as your preferences and goals.

- **You have a right to choose where you will live.**
- **The nursing home must provide you with a list of facilities and information about their quality.**
- **You can visit other facilities before deciding.**
- **The decision is up to you!**

2

I want to stay in the nursing home.

Talk to your representative and/or an ombudsman as soon as possible.

Try to solve the issue that caused the proposed discharge by requesting a meeting to discuss the concerns. The Ombudsman Program may be able to help you work things out with the nursing home.

Contact the Ombudsman Program to help you file an appeal right away. To talk with an ombudsman in your area, go to the last page and look for the county in which your facility is located.



Appeals

An appeal is the process you can use to challenge the facility's decision to discharge you. You have **30 days** from the time you receive the discharge notice to file a request for an appeal hearing. At the hearing, the facility must prove why it has the right to discharge you.

If you appeal within 10 days of getting the notice, the nursing home may not discharge you until a final decision has been made.

An ombudsman can help you file an appeal. The ombudsman will also explain your right to be represented by anyone of your choosing, including a lawyer.



What will happen if I lose the appeal?

The nursing home must assist you in finding a place to go that is safe and that will meet your needs. You cannot be required to leave until arrangements have been made for a discharge that is well-planned and supports your well-being.



What will happen if I don't appeal the discharge?

If you are unable to resolve the concern and the facility does not withdraw the proposed discharge, you can be discharged from the facility within **30 days** of receiving the notice.

Hospitalization

The nursing home must allow you to come back in most situations.

The nursing home must also follow their bed-hold policy. The bed-hold policy explains how long the facility will hold your bed during your temporary absence. You have the right to return to your bed or the first available bed.

- ☒ Inform the hospital and the nursing home of your rights
- ☒ Contact the Ombudsman Program
- ☒ File a complaint with the Administration for Health Care Administration (AHCA)

The nursing home is required to give you a notice of its bed-hold policy when it sends you to the hospital.

If the nursing home wants to discharge you while you're in the hospital, it must follow all discharge requirements. This includes issuing a written **30-day** notice of discharge that includes information about the right to appeal the proposed discharge. A hospital is not an appropriate place to discharge you.

Additional Information and Support

Florida Senior Legal Helpline

1-888-895-7873

The Florida Senior Legal Helpline provides free civil legal advice and brief services over the telephone to eligible Florida residents 60 years and older. Hours are between 9:00 a.m. – 4:30 p.m., Monday through Friday.

<https://law.elderaffairs.org/legal-services/florida-senior-legal-helpline/>

Adult Protective Services (APS)

Hotline 1-800-962-2873

APS helps to prevent harm to residents who are victims of abuse, neglect, exploitation or self-neglect. The hotline accepts reports 24 hours a day, seven days a week.

<https://www.myflfamilies.com/services/abuse/aps/about>

Agency for Health Care Administration (AHCA)

AHCA is the agency responsible for providing oversight of long-term care facilities in Florida.

If you wish to file a complaint against the nursing home call 1-888-419-3456 / 800-955-8771 Florida Relay Service (TDD number). A complaint can also be filed online:

<https://apps.ahca.myflorida.com/hcfc/>

LTCOP Contact Information

Florida Long-Term Care Ombudsman Program

Call toll-free: 1-888-831-0404

Email: LTCOPInformer@elderaffairs.org

Website: <https://ombudsman.elderaffairs.org/>

With 13 district offices throughout the state, our toll-free number and website can connect you to the Long-Term Care Ombudsman Program office in your community.



Long-Term Care
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Florida Long-Term Care Ombudsman Program

District Offices

Counties Served

Northwest District - (850) 595-0469

Escambia, Okaloosa, Santa Rosa, and Walton

Panhandle District - (850) 921-4703

Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Liberty, Leon, Madison, Taylor, Wakulla, and Washington

North Central District - (352) 620-3088

Alachua, Bradford, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Lake, Levy, Marion, Pasco, Putnam, Sumter, Suwannee and Union

First Coast District - (904) 391-3942

Baker, Clay, Duval, Nassau and St. Johns

West Coast District - (727) 588-6912

Pinellas

West Central District - (813) 558-5591

Hillsborough

East Central District - (407) 245-0651

Brevard, Orange, and Seminole

Southwest District - (239) 338-2563

Charlotte, Collier, Glades, Hendry, Lee and Sarasota

Palm Beach District - (561) 837-5038

Indian River, Martin, Okeechobee, Palm Beach and St. Lucie

Broward District - (954) 597-2266

Broward

North Dade District - (305) 273-3294

N. Miami-Dade County (North of Flagler St., all of Hialeah and N.E. and N.W. addresses)

South Dade & The FL Keys District - (305) 273-3250

Monroe & S. Miami-Dade County (S. of Flagler St., all S.E. and S.W. addresses)

First Coast South District - (386) 226-7846

Flagler and Volusia

South Central District - (863) 413-2764

Desoto, Hardee, Highlands, Manatee, Ocala and Polk