

Is your nursing home trying to move you to . . .

- Ⓟ A different nursing home?
- Ⓟ A hospital?
- Ⓟ Back home?
- Ⓟ A different room?
- Ⓟ Someplace else?



Make Sure You Know Your Rights

Nursing Home Residents Have Rights

There are important laws that protect nursing home residents. If a nursing home wants to move you and you do not want to move, protect yourself by:



- 1 Asking Questions**
- 2 Getting Help:** There are people who can help you. Call the phone numbers below. Find out what your options are.
- 3 Saving All Papers:** In general, a nursing home must give you 30 days' written notice before moving you. A notice will tell you where you are being moved, how to try to stop the move, and whom to call for help. Save all notices.

Questions to Ask Your Nursing Home

Your health and well-being are very important. To protect yourself against a move that will not help you, it is important for you to get information. Here are some questions that you or your family should ask the nursing home to get the information you need:

- 1 Why do they want to move you?
- 2 Where do they want to move you?
- 3 When do they want to move you?

Getting Help

It's very important to get good, reliable help as soon as possible. You can call the following group for assistance:



Greater Boston Elderly Legal Services
197 Friend Street
Boston, MA 02114
(617) 603-1776
(800) 323-3205, ext. 1776

You can also call the Long Term Care Ombudsman Program at 1-800-243-4636 (1-800-AGE-INFO).

More Details About the Rights of Nursing Home Residents Being Moved

When can you be transferred or discharged?

You may be transferred or discharged only if:

- ' Your health needs cannot be met in the facility,
- ' You no longer need nursing home care,



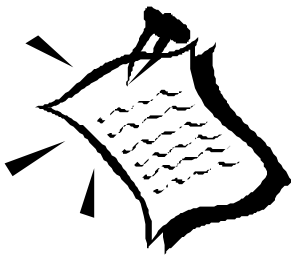
- ' You are endangering the health & safety of others,
- ' Your bill is not paid (non-payment), or
- ' The nursing home closes.

You cannot be discharged for non-payment if you are in the process of appealing the denial of Medicaid or Medicare. You also have a right to refuse a transfer to or from a "Medicare certified" part of a nursing home.

What notice does the nursing home have to give you?

In general, you must receive 30 days' advance notice of a transfer or discharge. This notice must also be mailed to a designated family member or legal representative and must tell you:

- ' The reasons for the transfer,
- ' The exact location to which you will be moved,
- ' Information about your right to appeal the move,
- ' The date of the move, and
- ' Whom to contact for help.



A nursing home may give you less than 30 days' notice of a transfer or discharge only:

- ' In an emergency situation,
- ' When your health improves sufficiently, or
- ' If you have been at the nursing home for less than 30 days.

In emergency situations, the nursing home must give you the notice as soon as practical.

Can you challenge a move?



Yes. You have a right to challenge or “appeal” a transfer or discharge by asking for a hearing before the Division of Medical Assistance Board of Hearings. The purpose of the hearing is for you or someone who speaks on your behalf to say why you should not be transferred or discharged.

The only time you cannot appeal to the Board of Hearings is if you are moved in a nursing home between similarly “certified units.” In such a case, you or your attorney can go to court to ask a judge to prevent the move.

How can you ask to be heard?

After you receive a 30-day notice, you have 30 days to submit a written request for a hearing; or 14 days if you receive an emergency notice. This is called an “appeal,” because you are appealing a decision to move you.

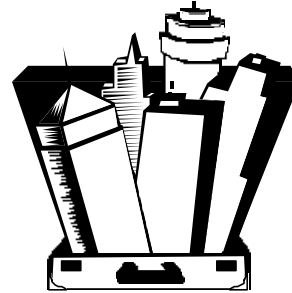
You can ask that the hearing be at the nursing home. The nursing home must tell you how to appeal and must help you file an appeal, if you ask. To ask for a hearing, mail or FAX a request to:

Board of Hearings
Division of Medical Assistance

2 Boylston Street
Boston, MA 02116

FAX: (617) 210-5820

TELEPHONE: (617) 210-5800
(800) 655-0338



Can a nursing home force you to move before the hearing?

Once you have filed a timely appeal, the nursing home cannot move you until after the hearing. In an emergency situation, you have 14 days to file an appeal, but can be moved if necessary prior to filing the appeal.

The laws described above are subject to change. All of the information in this brochure is accurate as of July 2001, and was produced by Greater Boston Elderly Legal Services, with support from Massachusetts Legal Assistance Corporation and Massachusetts Law Reform Institute.