Discharge Notice Requirements

Section for Long Term Care Regulation
Provider Meeting 2016

Definition of Discharge

19 CSR 30-82.050(1)(B)

- Releasing from a facility or **refusing to readmit** a resident from a community setting under circumstances where the resident or a legally authorized representative of the resident has not consented or agreed with the move or decision to refuse readmittance.

Reasons for Discharge

19 CSR 30-82.050(2A)

- The resident's welfare and the resident's needs cannot be met by the facility
  - Requires documentation in the clinical record from the resident's personal physician
  - Requires documentation in the clinical record from the administrator or facility director of nursing

Reasons for Discharge
19 CSR 30-82.050(2B)

- The resident's health has improved sufficiently so the resident no longer needs the services provided by the facility
  - Requires documentation in the clinical record from the resident's personal physician
  - Requires documentation in the clinical record from the administrator or facility director of nursing

Reasons for Discharge
19 CSR 30-82.050(2C)

- The safety of individuals in the facility is endangered
  - Requires documentation in the clinical record from the administrator or facility director of nursing

Reasons for Discharge
19 CSR 30-82.050(2D)

- The health of individuals in the facility is endangered
  - Requires documentation from a physician
  - Requires documentation in the clinical record from the administrator or facility director of nursing

Reasons for Discharge
19 CSR 30-82.050(2E)

- The resident has failed, after reasonable and appropriate notice, to pay for (or have paid under Medicare or Medicaid) a stay at the facility
  - Requires documentation in the clinical record from the administrator or facility director of nursing

Reasons for Discharge
19 CSR 30-82.050(2F)

- The facility ceases to operate
  - Requires documentation in the clinical record from the administrator or facility director of nursing

Reasons for Discharge
19 CSR 30-82.050(4)

- Documentation must be recorded in detail in each affected resident's record.
- The recording of the reason for the discharge shall be entered into the resident's record prior to the date the resident receives notice of the discharge or prior to the time when the discharging facility decides to discharge the resident

Types of Discharge
19 CSR 30-82.050(5)

- 30 day discharge
  - Must be given no less than 30 days before the resident is to be discharged
- Emergency discharge
  - Must be given as soon as practicable **before** the discharge

Types of Discharge
19 CSR 30-82.050(5)

- Emergency Discharge
  - The safety of individuals in the facility is endangered - notice must contain the specific facts
  - The health of individuals in the facility is endangered - notice must contain the specific facts
  - The resident's health has improved
  - Immediate discharge is required because of urgent medical needs
  - The resident has not resided in the facility for 30 days

Notice Requirements
19 CSR 30-82.050(4A)

- Notice must be IN WRITING
- In a language and manner understood by the resident
- Sent to any legally authorized representative of the resident and to at least one family member
- If no family member, send to the regional Ombudsman

Notice Requirements

19 CSR 30-82.050(4B)

- Reason for the discharge
- Effective date of the discharge
- Resident's right to appeal the discharge within 30 days of the receipt of the notice
- Address to which the request for hearing should be sent –
  - Attn: Administrative Hearings Unit, Division of Legal Services
  - P.O. Box 1527, Jefferson City, MO 65102-1527

Notice Requirements

19 CSR 30-82.050(4B)

- That filing an appealwill allow a resident to remain in the facility until the hearing is held unless a hearing official finds otherwise
- The location to which the resident isbeing discharged
- The name, address and telephone number of the designated regional long-term care ombudsman office

Notice Requirements

19 CSR 30-82.050(4B)

- For Medicare/Medicaid certified facility residents with developmental disabilities or mental illness, the mailing address and telephone number of the Missouri Protection and Advocacy Agency
  - 925 South Country Club Drive, Jefferson City, MO 65109
  - 573-893-3333

Appeals Information

- January 1, 2015 - June 30, 2016
  - 195 discharge hearing requests
- Most common reasons for dismissal due to notice not containing requirements of 19 CSR 30-82.050(4B)

Citations for Inappropriate Discharge

19 CSR 30-88.010(15)

- No resident shall be discharged, except in the case of an emergency, unless the resident, responsible party...are notified at least 30 days in advance if the discharge, and casework services or other means are utilized to assure that adequate arrangements exist for meeting the resident's needs. Class II

Citations for Inappropriate Discharge

19 CSR 30-88.010(16)

- A resident may be discharged only for medical reasons or for his or her welfare or that of other residents, or for nonpayment for his or her stay. Class II

Citations for Inappropriate Discharge

19 CSR 30-88.010(17)

- No resident may be discharged without full and adequate notice of his or her right to a hearing and an opportunity to be heard on the issue of whether his or her discharge is necessary. Such notice shall be given **in writing** no less than 30 days in advance is the discharge except in the case of an emergency discharge and must comply with the requirements of 19 CSR 30-82.050. Class II/III

Citations for Inappropriate Discharge

19 CSR 30-88.010(18)

- In emergency discharge situations the facility shall submit to the resident and his or her legal representative...a **written notice** of discharge. The written notice of discharge shall be given as soon as practicable and advise the resident of the right to request an expedited hearing. Class II/III

Citations for Inappropriate Discharge

F201 - F206

- F201 - Reasons for discharge
- F202 - Documentation in resident'sclinical record
- F203 - Notice requirements
- F204 - Sufficient preparation and orientation to ensuresafe and orderly discharge

Citations for Inappropriate Discharge
F201 - F206

- F205 - Bed-hold policy notice upon transfer to hospital or on therapeutic leave
- F206 - Permitting resident to return to facility in first available bed in a semi-private room after hospitalization or therapeutic leave exceeds bed-hold period

Citations for Inappropriate Discharge
F201 - F206

- CMS has instructed states to refer any citations at F201 - F206 for possible immediate imposition of remedies
- CMS has instructed states to be mindful of impact on resident and cite at appropriate scope and severity
- Nationwide workgroup for discharge notice requirements across care continuum