

Ombudsman Perspective: Discharge Planning What You Need to Know

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You have a loved one in a nursing home, and you are told that you have 30 days to move them out. Your heart races just thinking about it and you don't know where to start. Your facility's ombudsman can help every step of the way.

Know Your Rights

In most cases, nursing home residents have the right to receive a 30-day written discharge notice. If a resident is transferred to a hospital, the facility must allow the resident to return after receiving treatment. Discharge notices must be sent to the resident, their legally authorized representative, and the ombudsman.



You have a right to appeal the discharge and request a fair hearing through the Texas Health and Human Services Commission. The appeal process allows the resident to remain in the facility until a fair hearing decision is made. Reach out to your ombudsman for assistance.

Know the Appropriate Reasons for Discharge

There are six reasons that a facility can discharge a resident from a nursing facility:

1. Transfer or discharge is necessary for residents' welfare. The facility must explain which needs cannot be met.
2. The transfer or discharge is appropriate because the resident's health has improved sufficiently.
3. The safety of individuals in the facility is endangered due to the clinical or behavioral status of the resident.
4. The health of other individuals in the facility would otherwise be endangered.

5. After reasonable and appropriate notice, the resident has failed to pay for their stay. Special circumstances apply related to Medicare and Medicaid funding and nonpayment.
6. The facility ceases to operate as a nursing facility and no longer provides resident care.

File a Discharge Appeal

You can file a discharge appeal within 90 days from the date of the discharge notice. An appeal can be filed with the Texas Health and Human Services Commission by faxing 1-866-559-9628 or emailing OESFairHearings@hhsc.state.tx.us.

Include the following in your appeal:

- A copy of the discharge notice.
- The reason the resident disagrees with the facility's decision to discharge.
- Any accommodations required for the hearing, including interpreters.
- Names and addresses of any witnesses the resident wants to have present.

Once you file the appeal, you will receive a written notice with the date and time for the fair hearing with a phone number and access code. You can work with your ombudsman to develop an action plan for the fair hearing. Your ombudsman also can attend the hearing and represent the resident during the hearing.

Request a Discharge Planning Meeting

The facility has the responsibility to assist the resident in finding a safe place to discharge. A safe place is usually another nursing home or rehab facility. You can request a discharge planning meeting with the social worker to determine where the resident will go and what is needed before discharge.

The above information relates only to the discharge process for residents of skilled nursing homes. They do not apply to assisted living discharges.





More Information

If you need assistance with a long-term care home in Dallas County and would like to learn more about choosing a home or residents' rights, please call The Senior Source at 214-823-5700 and ask to speak with an ombudsman.

Ombudsmen are advocates for residents of nursing and assisted living facilities. They must obtain resident consent and direction prior to acting on a complaint and cannot report abuse or neglect without permission from the

resident involved. If you need to report abuse or neglect in a long-term care facility, please call 1-800-458-9858 or email CIIComplaints@HHSC.state.tx.

Need to find an ombudsman in another county? Call us, or [search for your county here](#). Are you interested in becoming a Certified Volunteer Ombudsman? Please get in touch with us.

References:

Chapter 554 nursing facility requirements for licensure and Medicaid certification.
Subchapter F admission, transfer, and discharge rights in Medicaid-certified facilities
§554.501 ([Texas Administrative Code for Discharge](#))