

# When a Nursing Home Discharges a Resident

Federal law prevents nursing homes from discharging (removing) or transferring (moving to another facility) a resident except for the following reasons:

- *The resident's needs cannot be met at the facility.*
- *The resident's health has improved sufficiently so the resident no longer needs the services provided by the facility.*
- *The health or safety of individuals is endangered.*
- *The resident has failed, after reasonable and appropriate notice, to pay or have paid under Medicare or Medicaid for residence at the facility.*
- *The facility closes.*

A nursing home must give residents 30 days written notice prior to discharge or transfer. A resident who thinks the above rights have been violated must request a hearing in writing within 90 days by sending the Fair Hearing Request form given to them by the facility to: Office of Appeals Hearings, 1317 Winewood Boulevard, Building 5, Room 203, Tallahassee, FL 32399-0700. (Telephone: 1-850-488-1429) Requesting a hearing within 10 days stops the removal of the resident until the hearing process is completed.

**A resident may request assistance from the Long-Term Care Ombudsman Program by calling toll-free**

**1-888-831-0404**

**All calls are absolutely confidential.**

*You can also visit us online at*  
**OMBUDSMAN.ELDERAFFAIRS.ORG**



*Distributed courtesy of Florida's Long-Term Care Ombudsman Program, administered by the Florida Department of Elder Affairs.*

# Nursing Home Residents' Rights

A Summary Provided by



**FLORIDA  
OMBUDSMAN PROGRAM**  
ADVOCATING FOR QUALITY LONG-TERM CARE

If you have concerns about the quality of care you are receiving in a long-term care facility, contact us toll-free at 1-888-831-0404 or visit us online at [ombudsman.elderaffairs.org](http://ombudsman.elderaffairs.org)

All services are confidential and provided at no charge.

# Nursing Home Residents' Rights

Section 400.022, Florida Statutes

*Nursing home facilities shall adopt and make public a statement of the rights and responsibilities of the residents and shall treat such residents in accordance with the provisions of that statement. Each resident shall have the right to:*

- ✓ Civil and religious liberties.
- ✓ Private and uncensored communication.
- ✓ Visitation by any individual providing health, social, legal, or other services and the right to deny or withdraw consent at any time.
- ✓ Present grievances and recommend changes in policies and services free from restraint, interference, coercion, discrimination, or reprisal. Includes the right to have access to the ombudsmen and other advocacy groups.
- ✓ Organize and participate in resident groups.
- ✓ Participate in social, religious, and community activities that do not interfere with the rights of others.
- ✓ Examine results of recent facility inspections by federal and state agencies including the plan of correction if applicable.
- ✓ Manage his/her own financial affairs or to delegate this responsibility to the nursing home. If delegated, quarterly accounting will be furnished to resident or legal representative.
- ✓ Be fully informed, in writing and orally, of services available at the facility and of related charges for such services.
- ✓ Refuse medication and treatment and to know the consequences.

- ✓ Receive adequate and appropriate health care, protective and support services within established and recognized standards.
- ✓ Privacy in treatment and in caring for personal needs.
- ✓ Be informed of medical condition and proposed treatment and participate in planning.
- ✓ Be treated courteously, fairly, and with the fullest measure of dignity.
- ✓ Be free from mental and physical abuse, corporal punishment, extended involuntary seclusion, and from physical and chemical restraints except those ordered for a limited time by resident's physician.
- ✓ Be transferred or discharged only for medical reasons, the welfare of other residents or nonpayment of a bill.
- ✓ Receive a thirty (30) day written notice of discharge or relocation, and challenge such notice.
- ✓ Choose physician and pharmacy.
- ✓ Retain and use personal clothing and possessions.
- ✓ Have copies of rules and regulations of the facility.
- ✓ Notification prior to room change.
- ✓ Information concerning bed-hold policy for hospitalization.



Florida's Long-Term Care Ombudsman Program is administered by the Florida Department of Elder Affairs. Our services are available at no cost, without regard to race, color, national origin, sex, age, religion or disability.

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