Excerpted from Leave Day Guidance – MN Department of Human Services - August 1, 2011; Pages 15-17.

(Sample Leave Day Notice)

**What is a “leave day?”**

If you leave the nursing facility overnight and for more than 23 hours, to go to the hospital or for a therapeutic leave of absence - this is called a “leave day.”

**What is the difference between hospital and therapeutic leave?**

Hospital leave is when you leave the nursing facility to go to the hospital for needed medical care. Therapeutic leave is when you leave the nursing facility for an activity that may be considered “therapeutic” (e.g., a vacation or to stay with family temporarily).

**What is a “bed hold?”**

When the same bed you previously occupied is held for you while you are gone from the facility, this is called a “bed-hold.” A bed can be held only if you are expected to return to the facility once your hospital or therapeutic leave is done.

**Is the nursing facility required to hold my bed for me?**

Only under limited circumstances (and then for a limited number of days) is the facility required to hold your bed while you are gone. Other than in these limited circumstances, a facility may choose to hold your bed for you. If the facility does hold your bed, they may be able to charge you money for this service. You have a right to know how much these charges will be.

**Should I use my own money to pay to hold my bed?**

This is a decision that you should make, with the help of trusted family, friends or representatives. You should not be pressured to pay to hold your bed. Here are some questions and facts you should consider before you make this decision:

● Do you have the money to pay to hold your bed?

● Do you plan on or expect to return to this Nursing Facility once your hospitalization or therapeutic leave is done?

● Do you wish to keep the same room?

● How difficult would it be to move or store your personal things if you are discharged from the facility?

● How many empty rooms does this facility have? What are the chances you will find an available bed if you wish to return to the facility at a later time? (speak with a facility representative to determine this).

Some facts:

● If you choose to pay money to hold your bed, the facility must hold the same bed for you until one of the following occurs; you return to the facility, you indicate that you no longer wish to hold the bed, it is clear that you are not able to or do not intend to return to the facility, or until you stop paying for the bed hold. There are some very limited circumstances where the facility is not required to hold the same bed for you (e.g. if it is clear that you are physically unable to return to the same bed). In limited circumstances, you may be asked if you wish to move to a different room in order to access other benefits, such as Medicare.

● If you do not choose to pay money to hold your bed, the facility may not hold your bed for you. You may be discharged from the facility or you may be asked to transfer to another room in the same facility. If you are discharged from the facility and return at a later date, there is no guarantee that the same (or any) bed will be available in that facility.

**(INSERT ANY FACILITY SPECIFIC LEAVE DAY INFORMATION/POLICIES HERE- SEE PAGE 6 OF THIS DOCUMENT REGARDING SPECIAL SERVICES)**

**Notice of Rate**: As of \_\_\_\_ (insert date) \_\_\_\_ if you choose to hold your current bed while you are gone from the facility on a leave day, the amount you will be required to pay is

$ \_ (insert $ amount) \_ per day. This amount is for your basic daily rate only – and does not include other goods or services you may receive that are not included in this daily rate. This amount can change at any time. You will receive advance notice of any changes that affect your rate.

**IF YOU HAVE QUESTIONS ABOUT LEAVE DAYS:**

Office of Ombudsman for Long-Term Care

P.O. Box 64971

St. Paul, MN 55164-0971

(651) 431-2555

800-657-3591

Long-Term Care Policy Center – NFRP Division

MN Department of Human Services (DHS)

PO Box 64973

St. Paul, MN 55164-0973

(651) 431-2282

Nursing Facility Representative:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Received by:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Resident Signature Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Family or Legal Representative Signature Date

**MEDICAID (MA) LEAVE DAY NOTICE ADDENDUM**

**Does the MA program pay for Leave Days?**

Minnesota Medical Assistance (MA) *may* cover payment for “leave days” for persons receiving MA. If your absence from the facility qualifies, the facility is eligible to receive MA payment for leave days and you are an eligible MA recipient, MA payment is provided for up to 18 days for each distinct case of medically needed hospitalization and up to 36 days per calendar year for therapeutic leaves of absence.

**What happens if MA will not pay for my Leave Days?**

The MA program may not pay for your leave days if any of these things happen;

► you are no longer eligible to receive MA

► the nursing facility you live in is not eligible to receive MA leave day payment

► your absence from the facility does not qualify for a MA-paid leave of absence

► you have used all your allowed MA-paid leave days

If one of the above situations applies and the MA program will not pay for your leave days, the facility may hold your bed while you are gone as a special service to you. The facility may ask if you wish to hold your bed or you may request this special service. *You may choose to pay to hold your bed or you may decline this service*. If you wish to hold the same bed while you are gone from the facility, you may be required to pay for this with your own money. If you are gone from the facility and you have no MA-paid leave days remaining or if you do not pay to hold your bed, the facility may give you notice and you may be discharged from the facility.

**Your Return Rights under the MA Program**

If you are discharged from the facility because you have used all your MA-paid leave days and you are ready to return to the facility, you have a right to be readmitted to the first available, appropriate semi-private bed (with some rare exceptions). In order to exercise this right, you must still be receiving MA and you must require nursing facility services.

**For residents departing the facility on a leave of absence**: Under state law you *may* have up to 18 days for each distinct case of medically necessary hospital leave and up to 36 days of therapeutic leave paid for you under the MA program. As of \_\_ (insert date here) \_\_, you have \_\_ (insert number of days) \_\_ of (circle one) hospital/therapeutic leave remaining, assuming all other requirements are met under the MA program. This can change at any time.