

Successful Transitions: A Resident's Guide When a Nursing Home Closes



The Kentucky Long-Term Care
Ombudsman Program
Big Sandy District
2023

introduction

Your District Long-Term Care Ombudsman is
Stacy Hall at (606) 886-2374 or Toll Free
1-800-737-2723 and email
Stacy.Hall@BigSandy.org

Your Local Ombudsman is: Kennith Johnson
606-616-4310 and email kwj1960@outlook.com

Dear Resident & Families,

You are receiving this booklet
because the long-term care facility
you live in is closing.

We know this news raises questions
and possibly concerns. This guide will
answer the most frequently asked
questions and help guide you through
finding, choosing, and moving to a
new home.

This is your home and the news of
your home closing is upsetting. The
Ombudsman Program will support
and help you throughout the process.

The most important thing to know is
that you have rights throughout this
process.

You have the right to seek placement
at the facility of your choosing. Or,
you may want to consider community
living options. You may want to stay
in the area, or you may want to move
to be closer to family or friends.

You have the right to be informed
throughout the closure process. If you
have questions not addressed in this
guide, please call the Ombudsman.

Sincerely,

Stacy Hall
Big Sandy District LTC Ombudsman
Stacy.Hall@BigSandy.org

important numbers

Big Sandy District Long-Term Care Ombudsman Program

Ombudsmen are trained to impartially investigate and resolve residents' concerns. They also provide information and make referrals to community resources. The program serves Floyd, Johnson, Magoffin, Martin, and Pike counties.
Stacy Hall, District LTC Ombudsman
Big Sandy ADD
110 Resource Drive
Prestonsburg, KY 41653
(606) 886-2374
1-800-737-2723 Toll Free
Stacy.Hall@BigSandy.org

Kentucky State Long-Term Care Ombudsman Office at the Nursing Home Ombudsman Agency

The State LTC Ombudsman works closely with your local LTC Ombudsman. The State LTC Ombudsman provides guidance and support to local ombudsmen.

(859) 277-9215

www.ombuddy.org
nhoa@ombuddy.org

Office of Inspector General - Division of Health Care

The Office of Inspector General (OIG) regulates and licenses long-term care facilities and investigates complaints. When facilities violate resident rights, provide poor care, fail to provide care, or fail to protect residents from predators, OIG can investigate and sometimes impose sanctions on the facility.

275 East Main Street, 5E-A,
Frankfort, Kentucky 40621

(502) 564-7963

<https://chfs.ky.gov/oig/dhc>

Kentucky Protection & Advocacy

P&A works to protect and promote the rights of Kentuckians with disabilities through legally based individual and systemic advocacy, and education.

502-564-2967

<http://www.kypa.net/>
KYPandAinquiry@gmail.com

Office of the Attorney General for the Commonwealth of Kentucky

The Office of the Attorney General (OAG) houses Kentucky's Medicaid Fraud and Abuse Control Unit, which prosecutes fraud perpetrated by providers against the Medicaid program. In addition to Medicaid fraud, this unit also prosecutes crimes of abuse, neglect, and exploitation of long-term care residents.

1-877-228-7384

www.ag.ky.gov

Adult Protective Services (APS)

APS is the government agency that investigates complaints concerning abuse, neglect, and exploitation of vulnerable adults as prescribed in Kentucky law KRS 209.

Central Office – (502) 564-7043

Abuse Hotline – 1-800-752-6200

<https://chfs.ky.gov/agencies/dcbs/dpp/apb>

Aging & Disability Resource Centers (ADRC)

The ADRC helps older people, people with disabilities, their families, and caregivers to find services & resources to help them live well in the community.

State Hotline – (502) 564-6930

Big Sandy Hotline – 1-800-737-2723

<https://chfs.ky.gov/DAIL>

the ombudsman program

The Kentucky Long-Term Care (LTC) Ombudsman Program includes the Office of State LTC Ombudsman and 15 local District LTC Ombudsman Programs across KY. Some District Programs also have volunteer certified ombudsmen assisting residents. LTC Ombudsmen exist to improve the quality of care for residents living in long-term care facilities.

Ombudsmen serve residents who need assistance, and there's never a charge for LTC Ombudsman services.

What is an ombudsman?

"Ombudsman" is a Swedish word for advocate. Federal law gives Ombudsmen the power to intervene on behalf of residents of long-term care facilities. Ombudsmen are trained to impartially investigate and resolve residents' concerns. They also provide information and make referrals to community resources.

Your Ombudsman is not an employee of the nursing facility or government agency. Your Ombudsman works for you, free of charge.

During the closure process, a certified LTC Ombudsman will visit your home daily. If you need to speak with the Ombudsman during their visit, call (606) 886-2374 or 1-800-737-2723 Toll Free.





How will I be supported in making the decision for a new residence?

A placement worker will be assigned to every resident to assist in the relocation process including identification of potential residences. You are encouraged to visit and tour potential residences to determine which one best meets your needs and preferences. The Ombudsman can coordinate support group meetings to allow you the opportunity to talk with other residents and families about your concerns and questions.

How much time should I take to make a decision on a new residence?

To ensure you have the most options, it is best to start the process right away by meeting with your assigned placement worker. Vacancies can fill quickly, so it is best to not delay evaluating potential residences to begin the selection process.

What is the best way to determine if a new residence is appropriate?

First, discuss your needs and preferences with your placement worker and identify potential residences. It is best to evaluate or visit, if possible, a potential residence to determine if it is appropriate and can meet your needs. The Comparison of Facilities form (included in this booklet) is an effective tool to guide you through your evaluation and to record information for comparing multiple residences.

How can I get more information about nursing facilities?

You can review the federal government's ratings of nursing homes at: www.medicare.gov/nhcompare
You can also download a list of all long-term care facilities in Kentucky at: <https://www.chfs.ky.gov/agencies/os/oig/dhc/Pages/hcf.aspx>

frequently asked questions

What is the Person-Centered Discharge Planning process?

It is a process of the resident sharing their preferences and wishes for relocation and making an informed choice about their new home. The resident can request assistance from family, friends, staff, and the Ombudsman as well as support from the closure team member during this process.

Discharge planning begins by the resident participation in an interview to share preferences and wishes with a placement worker. The resident then makes on-site visits or representatives from potential residences visit the resident at the closing nursing facility. Working with the placement worker, the resident makes the final decision on his/her new residence and is involved in preparing for the transfer. The resident's wishes and preferences remain the focus at all times.

Who is on the relocation team?

The relocation team includes:

- you
- your family or friends
- your Ombudsman
- Adult Protective Services
- Office of Inspector General
- a facility staff person

How will my medical record be shared with the new residence?

The closing nursing facility placement worker will prepare a transfer packet for every resident, regardless of his/her level of care preference. The packet contains information from each section of the clinical record as well as a person-centered discharge plan.

I have to go to the hospital. Can I return to this facility?

Readmissions for residents on a hospital stay or therapeutic leave require a case-by-case review to determine if the readmission is in the best interest of the resident. The closing nursing facility should not admit new residents during the closure process.

How will residents transfer to the new residence?

The responsibility for transportation varies depending on the type of residence the resident is transferring to and the payment source for care and services. If the resident is Medicaid eligible and transferring to another nursing facility, the placement worker at the closing nursing facility will coordinate the transportation. The resident will either transfer by ambulance (only when medically necessary) or the receiving nursing facility will make arrangements and payment for appropriate transportation.

For relocation to lesser level of care settings like a home for non-Medicaid eligible residents, the closing facility placement worker will work with the resident, family and the receiving residence to determine the best mode of transportation.

How will personal belongings be prepared for transfer?

The facility administration will assign a team of staff to assist the residents in labeling, inventorying, and packing belongings for transfer. The resident and/or family are encouraged to participate in the packing process but is not required and the staff can be asked to complete this task. If the family prefers to pack the belongings and transport them, the placement worker should be notified so supplies like boxes, packing material and tape can be made available. Residents may want family members to remove irreplaceable or valuable items to assure their safety during transportation. Please notify the staff of any items removed from the nursing facility for inventory purposes. A "Resident Belongings Packing List" is also included in this packet as a general reminder of items to pack.

What happens to the resident mail that is delivered to the closing nursing facility?

Change of address cards will be completed for each resident once a new residence is selected. Facility staff will forward any resident mail that arrives after the resident is relocated.

When will the resident trust fund monies be available?

The closing nursing facility will continue to provide resident access to the trust fund account. When a resident is scheduled to leave the nursing facility, a current accounting of the trust fund and any remaining balance will be disbursed in an appropriate and timely manner.

The facility is the resident's representative payee on his/her Social Security check. How is this changed when the resident moves?

If the new residence will become the new representative payee, the new residence must contact the Social Security Administration to make the change. If a family or friend will become the new representative payee, they must take the resident's ID to the local Social Security office to make application. If the check arrives at the closing nursing facility, it will be returned to the Social Security office for proper routing.

How do Medicaid payments go to the new setting?

Medicaid follows the resident from one nursing facility to another. The placement worker will notify the Department for Community Based Services to assure eligibility and access to Medicaid benefits are not interrupted. Specific questions should be discussed with the placement worker.



person-centered discharge planning

Here are some things a resident may want to consider when planning to discharge from a long-term care facility:

What type of setting would you like to live in?

(return home, live with family, nursing home, personal care or family care home)

What would be important to you in this new environment?

(safety, freedom, visitors, privacy, etc.)

What preferences do you have for your living arrangements?

(preferred furniture, organized vs lived-in)

Who do you consider your family?

(spouse, children, grandchildren, chosen family)

Who is your support system?

(family, friends, neighbors, religious or community members, staff)

Are there residents or staff you would like to stay in touch with or relocate with?

How would you like to be welcomed at your new residence?

(special meal, visitors, be left alone, announcement, attend activities, etc.)

What environment supports do you need or are you used to?

(like to sit by the window, prefer room door shut, sleep with the lights on, like to people-watch near the nurses station, etc.)

What is your lifestyle like?

(morning vs night person, introvert vs extrovert, alone vs group activities)

What specific preferences do you have for care delivery?

(bath vs shower, meals/day, caregiver gender)

How do you like your day to go?

Do you have nicknames, hobbies, skills that others should be aware of?

What makes you happy?

What would you like to do that you don't do now?

Are there community or cultural activities that are important to you?

Are spiritual or religious activities important to you?

What kind of schooling did you have?

Did you pursue a career or volunteer service?

Did you serve in the armed forces?

(war time, branch of service)

What is comforting to you?

(type of music, certain activities, food items, possessions, etc.)

facilities near me

Listed below are some nursing homes that are near me.

Pikeville Nursing and Rehab Center

260 South Mayo Trail
Pikeville, KY 41501
(606) 437-7327

Landmark of Elkhorn City Rehabilitation and Nursing

945 West Russell Street
Elkhorn City, KY 41522
(606) 754-4134

Riverview Health Care Center

79 Sparrow Lane
Prestonsburg, KY 41653
(606) 886-9178

Tug Valley Arh Skilled Nursing Facility

260 Hospital Drive
South Williamson, KY 41503
(606) 237-1725

Prestonsburg Health Care Center

147 North Highland Avenue
Prestonsburg, KY 41653
(606) 886-2378

Trinity Health Care of Mingo

100 Hillcrest Drive
Williamson, WV 25661
(304) 235-7005

Good Shepherd Health and Rehabilitation

60 Phillips Branch Road
Phelps, KY 41553
(606) 456-8725

Heritage Hall Clintwood

1225 Clintwood Main Street, Route 607
Clintwood, VA 24228
(276) 926-4693

other facilities

Here is a chart where you can list other facilities you are interested in.

[illegible]

facility comparison

Listed below are some things you may want ask about potential new facilities. Not all questions are applicable to each type of relocation setting and the list is not all-inclusive.

<i>Questions to consider</i>	<i>Facility A</i>	<i>Facility B</i>	<i>Facility C</i>	<i>Facility D</i>
Is the staff talking with you about your admission warm, pleasant, and cheerful?				
Do they know how long it typically takes staff to answer call lights?				
Does the facility offer a menu with many choices and options?				
Does the residence offer activities that you enjoy?				
Do residents have an opportunity to attend religious services and talk with clergy?				
Does the facility have designated smoking areas?				

<i>Questions to consider</i>	<i>Facility A</i>	<i>Facility B</i>	<i>Facility C</i>	<i>Facility D</i>
Does the facility honor the resident's right to visits during the COVID-19 pandemic?				
Does the residence have an outdoor area where residents can get fresh air and sunshine?				
Did the residence's representative ask about your specific needs and preferences?				
Does the facility have several phones available for residents to use?				
Do you have adequate information about this residence to make a decision?				
Is the residence close to family and friends?				

<i>First Choice:</i>	
<i>Second Choice:</i>	

my packing list

Resident Name: _____ Room Number: _____

Assistive Devices:	Sweaters:	Jacket/Coats:
Hearing aids:	Shirts:	Pants:
Batteries/Storage:	Sweatshirts:	Sweatpants:
Glasses & Case:	Shorts:	Skirts:
Dentures:	Dresses:	Suits:
Walker/Cane:	Vests:	Slips:
Wheelchair:	Pajamas:	Nightgowns:
Personal Chair:	Underwear:	Bras:
Belts:	Socks:	
Suspenders:	Slippers:	
Shoes:	Robe:	
Boots:		
Hats/Caps:		

Nursing facility staff should confirm no personal resident belongings are locked in the front office, nurses' station, nursing facility storage areas, or medication carts. Items should be retrieved from laundry or lost and found.

The nursing home should provide you with boxes to pack your belongings. All boxes should be clearly labeled with you name.

Bible:	Quilt/Sheets:	
Books:	Pictures:	
Magazines:	Wall Decorations:	
Cell phone & Cord:	Figurines:	
Movies:		
CDs:		
TV & Cord:		
TV Remote:		
Computer & Cord:		
Tablet & Cord:		
Radio:		
Purse:		
Wallet:		
Personal Papers:		

My new home is _____

in _____

I move on _____ at _____ AM or PM

kentucky's ombudsmen

Kentucky State Ombudsman Office

Sherry Culp, State Ombudsman

Mark Burress, Western Regional Ombudsman

Jodi Karapandzic, Eastern Regional Ombudsman

859-277-9215, 800-372-2991

Nursing Home Ombudsman Agency

3138 Custer Drive, Suite 110, Lexington, KY 40517

www.ombuddy.org

nhoa@ombuddy.org

Barren River District

Lynda Love

Kentucky Legal Aid, 1700 Destiny Lane,
Bowling Green, KY 42104

(270) 780-8835, 1-800-355-7580

llove@klaid.org

Counties: Allen, Barren, Butler, Edmonson,
Hart, Logan, Metcalfe, Monroe, Simpson, and
Warren

Big Sandy District

Stacy Hall

Big Sandy ADD, 110 Resource Drive,
Prestonsburg, KY 41653

(606) 886-2374, 1-800-737-2723

Stacy.Hall@BigSandy.org

Counties: Floyd, Johnson, Magoffin, Martin,
and Pike

Bluegrass District

Alice Salyers

Nursing Home Ombudsman Agency of the
Bluegrass, Inc., 3138 Custer Drive, Suite 110,
Lexington, KY 40517

(859) 277-9215

alice@ombuddy.org

Counties: Anderson, Bourbon, Boyle, Clark,
Estill, Fayette, Franklin, Garrard, Harrison,
Jessamine, Lincoln, Madison, Mercer, Nicholas,
Powell, Scott, and Woodford

Buffalo Trace District

Amanda Grooms

Buffalo Trace ADD, P.O. Box 460, Maysville, KY
41056

(606) 564-6894, 1-800-998-4347

agrooms@btadd.com

Counties: Bracken, Fleming, Lewis, Mason, and
Robertson

Cumberland Valley

Arlene Gibson

Cumberland Valley ADD, P.O. Box 1740,
London, KY 40743

Phone (606) 864-739, (606) 309-7600 work
cell, 1-800-795-7654

agibson@cvadd.org

Counties: Bell, Clay, Harlan, Jackson, Knox,
Laurel, Rockcastle, and Whitley

FIVCO District

Amanda Hamilton

Legal Aid of the Bluegrass, 1616 Greenup Ave.,
Ste. 1, Ashland, KY 41101

606-780-2258

ahamilton@lablaw.org

Counties: Boyd, Carter, Elliott, Greenup, and
Lawrence

Gateway District

Sara Waynne Caudill

Legal Aid of the Bluegrass, 546 East Main Street, STE 1, Morehead, KY 40351

(606) 784-8921 ext. 2127 office, (606) 755-0006 direct line, 1-800-274-5863

wcaudill@lablaw.org

Counties: Bath, Menifee, Montgomery, Morgan, and Rowan

Green River District

Heather Mullican

Green River ADD, 300 GRADD Way, Owensboro, KY 42301

(270) 926-4433, 1-800-928-9094

heathermullican@gradd.com

Counties: Daviess, Hancock, Henderson, McLean, Ohio, Union, and Webster

Kentucky River District

Sheila Cornett

Kentucky River ADD, 941 North Main Street, Hazard, KY 41701

(606) 436-3158, (606) 560-0777 work cell, 1-800-928-5723

sheila@kradd.org

Counties: Breathitt, Knott, Lee, Leslie, Letcher, Owsley, Perry, and Wolfe

KIPDA District

Natalie Brown-Radtke

Catholic Charities, 2911 South Fourth Street, Louisville, KY 40208

(502) 637-9786, 1-800-854-3233

nbrownradtke@archlou.org

Counties: Bullitt, Henry, Jefferson, Oldham, Shelby, Spencer, and Trimble

Lake Cumberland District

Mandy Weston

Lake Cumberland ADD, P.O. Box 1570, Russell Springs, KY 42642

(270) 866-4200, 1-800-264-7093

mandy@lcadd.org

Counties: Adair, Casey, Clinton, Cumberland, Green, McCreary, Pulaski, Russell, Taylor, Wayne

Lincoln Trail District

Beverly Broadus

Catholic Charities, 2911 South Fourth Street, Louisville, KY 40208

(502) 965-8304 work cell, 1-800-854-3233

bbroadus@archlou.org

Counties: Breckinridge, Grayson, Hardin, Larue, Marion, Meade, Nelson, and Washington

Northern Kentucky District

Bethany Breckel

Northern KY Area Development District, 22 Spiral Drive, Florence, KY 41042

(859) 283-8185, 1-866-766-2372

bethany.breckel@nkadd.org

Counties: Boone, Campbell, Carroll, Gallatin, Grant, Kenton, Owen, and Pendleton

Pennyrile District

Cindy Tabor

Pennyrile Area Development District, 300 Hammond Drive, Hopkinsville, KY 42240

(270) 886-9484, 1-800-928-7233

cindy.taboreky.gov

Counties: Caldwell, Christian, Crittenden, Hopkins, Livingston, Lyon, Muhlenberg, Todd, and Trigg

Purchase District

Stephanie Anderson

Purchase Area Development District, P.O. Box 588, Mayfield, KY 42066

(270) 251-6120, 1-877-352-5183

stephanie.anderson@purchaseadd.org

Counties: Ballard, Calloway, Carlisle, Fulton, Hickman, Graves, Marshall, and McCracken

residents' rights

Residents' Rights are part of the Nursing Home Reform Law enacted in 1987 by the U.S. Congress. Residents' Rights were also incorporated into Kentucky Regulatory Statutes (KRS 216.515). These laws require nursing homes and other long-term care health facilities to promote and protect the rights of each resident. These are their rights as residents of the facility and as citizens of the United States and the Commonwealth of Kentucky. Residents' Rights place a strong emphasis on individual dignity and self-determination. Nursing homes must meet federal Residents' Rights requirements to participate in Medicare or Medicaid.

The right to be fully informed.

If you are entitled to Medicaid benefits at the time you are admitted to the facility or when you do become eligible for Medicaid benefits, the facility must inform you in writing of the services for which you may not be charged and those for which you may be charged. The facility must not require residents or potential residents to waive their rights to Medicare or Medicaid.

Before or at the time of your admission and periodically during your stay, the facility must inform you of services available in the facility and of charges for those services. You must acknowledge receipt of this information in writing. The facility must keep the acknowledgement in your file.

The facility must prominently display written information (and provide you with oral and written information) about how to apply for and use Medicare and Medicaid benefits and how to receive refunds for previous payments covered by such benefits.

You and your legal representative or interested family member have the right to receive prompt notice before there is a change in your room or roommate assignment.

You have the right to be fully informed in advance about your care and treatment and any changes in your care and treatment.

You have the right to participate in planning your care and treatment.

You have the right to examine the results of the most recent survey of the facility conducted by federal or state surveyors and any plan of correction in effect with respect to the facility, as well as all inspection reports of the facility.

The facility must not require a third-party guarantee of payment as a condition of admission or continued stay in the facility.

The facility must conspicuously post a list of your rights and responsibilities under state law.

The facility shall have written procedures for the submission and resolution of complaints and recommendations by you and your responsible party or your responsible family member or your guardian and shall conspicuously display these policies.

The right to participate in your own care.

You, your physician, and your legal representative or an interested family member must be notified immediately of any serious accident, significant change in your health or mental status, or a decision to transfer or discharge you from the facility.

You have the right to be fully informed in a language you can understand of your total health status, including but not limited to your medical condition.

You have the right to refuse treatment, to refuse to participate in experimental research, and to make advance directives.

Your Medical Records

You and your legal representative have the right of access to all records pertaining to your care, including current clinical records, within 48 hours of your oral or written request (excluding holidays and weekends).

You also have the right to a copy of your medical record or to purchase additional photocopies. To receive a copy of your medical record, you must submit a written request to the facility. A facility must provide a copy of your records within 48 hours of receiving your written request. Some nursing homes have a form for you to fill out, but they should honor a letter. In your letter, include a clear statement requesting the records and instructions on how they should be delivered (pick up in person or have them faxed or mailed).

The right to make independent choices.

Prior to or upon your admission to the facility and during your stay, you must be informed, both orally and in writing, in a language that you understand, of your rights and all rules and regulations governing your conduct and responsibilities. You must acknowledge in writing receipt of this information. The facility must keep the acknowledgement in your file.

You have the right to live in the facility with reasonable accommodation of your individual needs and preferences, except when the health or safety of you or other residents would be endangered.

You have the right to participate in social, religious, and community activities that do not interfere with the rights of other residents.

You have the right to choose your personal attending physician.

You have the right to self-administer drugs if it has been determined that this practice is safe.

The right to privacy and confidentiality.

You have the right to personal privacy, in accommodations, medical treatment, written and telephone communications, personal care, visits, and meetings of family and resident groups. The facility isn't required to provide a private room for you.

You also have the right to confidentiality of your personal and clinical records.

You may approve or refuse to allow the release of your personal and clinical records to any individual outside the facility, except when you are transferred to another health care institution or when release of your records is required by law.

If you're married, privacy must be assured for your spouse's visits. If you and your spouse reside at the facility and both consent, you may live in the same room.

You have the right to have reasonable access to the use of a telephone where calls can be made without being overheard.

You have the right to privacy in written communication, including the right to send and promptly receive mail that is unopened.

The facility must assure you of visual privacy, at the least, in multi-bed rooms and in tub, shower, and toilet rooms.

The right to visits.

The facility must allow immediate visits by representatives from federal or state

government, your personal physician, and

representatives from the Kentucky State Long-Term Care Ombudsman program. Visits by immediate family and other relatives are subject to the resident's consent.

Types of Abuse

- **Physical abuse is the intentional infliction of injury or pain, including hitting, slapping, pinching, shoving, force-feeding, and rough handling and careless transfers.**
- **Psychological abuse includes emotional and verbal attacks, including berating, ignoring, intimidating, ridiculing, yelling at, threatening, or isolating a resident.**
- **Sexual abuse is the improper touching or treatment of residents, including unnecessary medical procedures around the genitals, coercion to perform sexual acts, rape, and vulgar or offensive comments or conversations which make a resident uncomfortable.**
- **Exploitation is obtaining or using another person's resources, including but not limited to funds, assets, or property, by deception, intimidation, or similar means, with the intent to deprive the person of those resources.**

The right to dignity, respect, and freedom.

The facility may not charge, solicit, accept, or receive any gift, money, donation, or other consideration as a precondition of admission or continued stay in the facility.

You have the right to be free from any physical or chemical restraints imposed for purposes of discipline or convenience and not required to treat your medical symptoms.

You have the right to be free from verbal, sexual, physical, and mental abuse, corporal punishment, and involuntary seclusion.

The facility must promote care for you in a manner and in an environment that maintains or enhances your dignity and respect in full recognition of your individuality. This includes privacy in treatment and in caring for your personal needs.

You have the right to a dignified existence, self-determination, and communication with and access to persons and services inside and outside the facility.

You have the right to be free of interference, coercion, discrimination, and reprisal from the facility in exercising your rights.

If you have been found mentally disabled under State law, your rights are exercised by your guardian.

You have the right to have private meetings with the nursing facility inspectors from the Cabinet for Health Services.

You have the right to be suitably dressed at all times and given assistance when needed in maintaining body cleanliness and good grooming.

Unless you have been found mentally disabled under state law, you cannot be detained against your will. You must be given permission and encouragement to go outdoors and leave the premises as you wish unless a legitimate reason can be found and documented for refusing such activity.

You have the right to refuse to perform services for the facility unless you choose. The need or desire for work is documented in your plan of care.

The right to complain.

You have the right to voice grievances without discrimination or reprisal. The facility must make prompt efforts to resolve your grievances.

The facility must allow representatives of the State Long-Term Care Ombudsman program to examine your medical and social records, if you or your legal representative grant permission.

If any of your rights are denied or infringed upon, you have the right to take legal action against the facility responsible for the violation. You may be

entitled to recover actual and punitive damages, reasonable attorney's fees, costs of the action, and other relief as determined by the court.

You shall be encouraged and helped to exercise your rights as a resident and a citizen.

You may voice grievances and recommend changes in policies and services to facility staff and to outside representatives of your choice, be free from restraint, interference, coercion, discrimination, and reprisal.

The right to security of possessions.

You have the right to manage your financial affairs. The facility may not require you to deposit your personal funds with it. If the facility accepts responsibility for managing your funds, the facility must keep funds over \$50 in an interest-bearing account, separate from the facility's accounts. The facility must keep funds of less than \$50 in a separate account, such as a petty cash fund.

The facility must maintain a full and separate accounting of your funds held by the facility and must provide a statement to you or your legal representative quarterly or upon request.

If you receive Medicaid benefits, the facility must notify you when the amount in your account comes within \$200 of the Medicaid limit and the effect on your eligibility.

The facility must purchase a surety bond to ensure the security of your funds deposited with the facility.

You have the right to retain and use personal possessions, including some furnishings and clothing, as space permits, unless doing so infringes on the rights, health, or safety of other residents.

The facility must return your valuables, personal possessions, and any balance of money from your account to you at the time of your transfer or discharge from the facility. In case of your death, these items must be returned to your responsible party or family member, guardian, or executor.

Residents' rights during transfers and discharges.

You must be permitted to remain in the facility and not be transferred or discharged from the facility unless it's necessary for your welfare (acute care at a hospital is needed) or your health has improved and you no longer need nursing home care or the safety or health of other individuals would be endangered or you haven't paid your bill, or the facility closes.

If you've lived in a facility for at least 30 days, staff must give you a minimum of 30 days' notice of impending transfer or discharge, or as soon as practicable if safety or medical reasons require immediate transfer.

You may appeal a transfer or discharge by sending a written request for a hearing to Secretary, Cabinet for Health and Family Services, 275 East Main Street 5W-A, Frankfort, KY 40621 or faxing it to 502-564-7091. The request must be filed within 15 days of receipt of an involuntary discharge notice.

The LTC Ombudsman Program recommends hiring an attorney to handle your appeal. If you don't have an attorney or can't afford to hire one, call your ombudsman to expedite the appeal and connect you legal services.

Once it reviews the appeal, the Cabinet will schedule a hearing, usually at your nursing home, where you may present reasons the transfer is inappropriate. The burden of proof lies with the nursing home to explain how the transfer met the aforementioned conditions. If the hearing officer doesn't approve the discharge, you can remain in the nursing home. If the discharge is approved, you will have to leave the facility. The nursing home is required to help you find another appropriate facility and to provide counseling before the move to minimize the trauma of relocation.



KY State LTC Ombudsman Program
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