

# Why Your Nursing Home Probably Can't Force You to Move Out



## Three Important Things to Remember!

- The law limits the reasons for eviction from a nursing home.
- A nursing home has to give written notice of any eviction.
- A nursing home resident can appeal an eviction to a state hearing officer.

### Limited Reasons for Eviction.

#### ("Involuntary Discharge—appealing the 30 day notice")

Under federal law, there are only six reasons for eviction from a nursing home.

1. Nonpayment, but only after you get written notice of how much you supposedly owe.
2. Needing care that a nursing home can't provide.
3. Being a danger to the health of others in the nursing home.
4. Being a danger to the safety of others in the nursing home.
5. Not needing nursing home care any longer.
6. Nursing home going out of business.

### **As long as the bill has been paid, you probably have the right to stay.**

Many nursing homes try to evict residents by claiming that the resident is too difficult or disruptive. But, in most cases, any "difficulty" is simply part of the resident's health condition.

Remember: it is the nursing home's job to provide necessary health care to their residents. They cannot keep "easier" residents and try to evict "difficult" ones.

## **Beware These False Statements by Nursing Homes!**

"You have to leave because your Medicare coverage has ended. We specialize in rehabilitation and don't provide long-term care."

**False! A resident can stay under Medicaid coverage if the nursing home has a room available for people with Medicaid. Or the resident can pay from her own money, if she doesn't qualify for Medicaid.**

"You haven't paid. The State is processing your Medicaid application, but we don't have time to wait that long."

**False! The nursing home must wait until the Medicaid decision is completed.**

"We won't accept your father back after his short stay in the hospital, because he has been too demanding."

**False! The nursing home can give an eviction notice, but they must allow the resident to come back and appeal the notice.**

"You can't stay here because you need too much one-on-one attention."

**False! A facility must provide the care that the resident needs. This includes one-on-one care.**

## How to Appeal.

Nursing home eviction (Involuntary Discharges) appeals in Idaho are handled by

Department of Health and Welfare

Administrative Procedures Section (APS),

P.O. Box 83720-0036\_\_

Fax: 208-639-5741

Email: [APS@dhw.idaho.gov](mailto:APS@dhw.idaho.gov) You should appeal as soon as possible with a written request or by calling 208-334-6626.

## How to Get Help.

The Long-Term Care Ombudsman program can provide advice and assistance to nursing home residents across Idaho. Call your Local ombudsman program as follows.

### Area Agency on Aging: Northern Idaho

- 1.208.667.3179 or 1.800.786.5536
- Location: Coeur d'Alene
- Operating Hours: M-F 8:30a.m. - 4p.m.
- <http://www.aaani.org/>

### Area Agency on Aging: North Central Idaho

- 1.208.743.5580 or 1.800.877.3206
- Location: Lewiston
- Operating Hours: M-F 8a.m. - 5p.m.
- <https://www.cap4action.org/program/area-agency-on-aging/>

## Area Agency on Aging: Southwest Idaho

- 1.208.898.7060 or 1.844.850.2883
- Location: Meridian
- Operating Hours: M-F 8a.m. - 5p.m.
- <http://www.a3ssa.com>

## Area Agency on Aging: South Central Idaho

- 1.208.736.2122 or 1.800.574.8656
- Location: Twin Falls
- Operating Hours: 8:00AM - 5:00PM
- <https://sites.google.com/site/csiofficeonaging/>

## Area Agency on Aging: Southeast Idaho

- 1.208.233.4032 or 1.800.526.8129
- Location: Pocatello
- Operating Hours: M-F 8a.m. - 5p.m., F 8a.m. - 12p.m.
- <https://www.sicog.org/aaa-home.html>

## Area Agency on Aging: Eastern Idaho

- 1.208.522.5391 or 1.800.632.4813
- Location: Idaho Falls
- Operating Hours: M-F 8:00a.m. - 4:30p.m.
- <https://www.eicap.org/our-programs/senior-programs-area-vi-agency-on-aging/>

