

## SENDING REQUIRED TRANSFER/DISCHARGE NOTICES TO YOUR LOCAL LONG-TERM CARE OMBUDSMAN PROGRAM

Current federal regulations (42 CFR 483.15(c)(3)(i)) and State law (Health and Safety Code section 1439.6, effective January 1, 2018) require skilled nursing facilities to send copies of **all** facility-initiated transfer/discharge notices to the local Long-Term Care Ombudsman Program. For your convenience, the Office of the State Long-Term Care Ombudsman has developed the following guidelines.

### Are facilities required to send copies of all discharge/transfer notices to the local Long-Term Care Ombudsman Program (LTCOP)?

- Facilities are **required** to send copies of all notices related to *facility-initiated* transfers and discharges.
- Facilities are **not required** to send copies of notices for resident-initiated transfers or discharges.

### How is a resident-initiated transfer or discharge defined?

- A resident-initiated transfer or discharge means the resident or, if appropriate, the resident representative, has provided verbal or written notice of intent to leave the facility. The medical record must contain documentation or evidence of the resident's or resident representative's verbal or written notice of intent to leave the facility.
- A resident's expression of a desire to return home or to the community – or the elopement of a resident who is cognitively impaired – should not be taken as notice of intent to leave the facility.

### When should a notice be sent to the local LTCOP?

- Facilities must give residents and their representatives a notice of discharge or transfer at least 30 days in advance unless one of the exceptions outlined in 42 CFR 483.15(c)(4)(ii) applies.
- The facility must send copies of these notices to the LTCOP at the same time.

### Should notices be sent to the LTCOP for emergency transfers?

- When a resident is **temporarily transferred** on an emergency basis to an acute care facility, notice of the transfer may be provided to the resident and resident representative as soon as practicable (42 CFR 483.15(c)(4)(ii)(D)). Copies of these notices can also be sent to the LTCOP when practicable, such as in a monthly list.
- If the facility decides to **discharge** a resident for one of the allowed reasons while the resident is still hospitalized, the facility must send a 30-day notice of discharge to the resident and resident representative. In this case, the facility must also send a copy of the notice to the LTCOP **at the same time** it provides notice to the resident or the resident's representative.

### What should be included on each notice?

- The notice should include the resident's name **and** the facility's name, address, and contact information, as well as all information required under 42 CFR 483.15(c)(5).

### How to Send Notices to Your Local Ombudsman Program

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