

MY NURSING HOME IS DISCHARGING ME, BUT I DON'T WANT TO LEAVE.

How to file an appeal to dispute an involuntary discharge from a nursing home

Overview

Involuntary discharge occurs when a nursing home wants to evict or transfer a resident to another location against the resident's will.

Tennesseans who live in certified nursing homes **have special rights** when it comes to involuntary discharge. Federal law gives residents the **right to dispute the discharge through an appeal**.

Residents may file an appeal up to **30 days** after receiving the discharge notice. Nursing homes may not discharge the resident while an appeal is pending.

Appeal Process

- Residents should file an appeal even if they are unsure if they will follow through with it.
- Residents should not feel intimidated by the appeals process.
- It is vital to file an appeal within 30 days of notice because residents will not be able to appeal later.
- Ask the nursing home for help filing an appeal. They are required to assist if requested.
- Residents may access and review documents related to the appeal, such as staff or doctor's notes related to the reason for discharge. Residents may request and review these documents to prepare for the appeal hearing if one is granted.

How to File an Appeal

Residents can appeal by phone, fax, email or mail.

- Toll Free Phone: 833-582-1224
- Fax: 615-734-5317
- Email: cd.appeals.tennCare@tn.gov
- Mail: TennCare's Commissioner's Designee ATTN: Involuntary NF Discharge Appeals 310 Great Circle Road, Nashville, TN 37243

Use the online appeal form to ensure you include all necessary information.

What to Expect During the Appeal Hearing

- The appeal will be scheduled within 90 days of filing. Nursing homes may not discharge residents while they wait for the appeal hearing.
- Appeals are typically held via telephone. Residents will be given the conference line number they need to call at the scheduled time. Residents may request an in-person appeal hearing.
- The hearing is held by an administrative judge who considers evidence of whether the resident should or should not be discharged or transferred.
- At the beginning of the hearing, the judge will tell the resident their rights.
- Then, the nursing home's representative will speak. He or she must show they have a valid reason to discharge the resident. At this time, the nursing home may present evidence in support of discharge.
- Next, the resident will have a chance to share his or her side, question the nursing home or its witnesses, and show why the discharge is invalid.
- Finally, the administrative judge will make his or her determination on whether a discharge is appropriate.
- Residents are encouraged to bring a representative, such as an ombudsman, lawyer, family member, or friend, to help the resident advocate for him or herself.
- Even when an appeal hearing is granted, the involuntary discharge may be found appropriate. Residents whose appeals are denied may still contact an ombudsman for support.

Questions?

- [Visit the involuntary discharge and transfer appeals web page](#)
- Contact the State Long-Term Care Ombudsman:
 - Tel: 877-236-0013
 - Fax: 615-741-3309
 - TDD: 615-532-3893
 - Email: ombudsman.notification@tn.gov

Everything above is for informational purposes only and is not legal advice. The right to file an appeal is only guaranteed to residents of certified nursing homes.