



Missouri Department of Health and Senior Services

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Randall W. Williams, MD, FACOG
Director



Eric R. Greitens
Governor

TO: Nursing Facility Administrators, Director of Nursing, Social Workers, and other key personnel

FROM: Jenny Hollandsworth, State Long Term Care Ombudsman

RE: Long Term Care Ombudsman Program

DATE: November 13, 2017

On May 12, 2017 the Centers for Medicare & Medicaid Services (CMS) provided additional clarification in advance of formal interpretive guidance of 42 CFR §483.15(c)(3)(i), the reference is S&C: 17-27-NH. These notices may be emailed, faxed, or mailed to the Local Ombudsman Office in your County (see the attached map).

Below is additional clarification including information from CMS:

Facility-Initiated Transfers and Discharges: In situations where the facility has decided to discharge the resident while the resident is still hospitalized, the facility must send a notice of discharge to the resident and resident representative, and must also send a copy of the discharge notice to a representative of the Office of the State LTC Ombudsman. Notice to the Office of the State LTC Ombudsman must occur at the same time the notice of discharge is provided to the resident and resident representative, even though, at the time of initial emergency transfer, sending a copy of the **transfer** notice to the Ombudsman only needed to occur as soon as practicable as described below under “**Emergency Transfers**”.

For any other type of facility-initiated discharges, the facility must provide notice of discharge to the resident and resident representative along with a copy of the notice to the Office of the State LTC Ombudsman at least 30 days prior to the discharge or as soon as possible. The copy of the notice to the Ombudsman must be sent at the same time notice is provided to the resident and resident representative.

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, according to 42 CFR 483.15(c)(4)(ii)(D). Copies of notices for emergency transfers must also still be sent to the Ombudsman, but they may be sent when practicable, such as in a list of residents on a monthly basis.

*** Please note the difference between a discharge and transfer as indicated in the above paragraphs.**

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Resident-Initiated Transfers and Discharges: 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 general desire or goal to return home or to the community or elopement of a resident who is cognitively impaired should not be taken as notice of intent to leave the facility. For resident-initiated transfers or discharges, sending a copy of the notice to the Ombudsman is not required.

Additional information can be found at the CMS website: <https://www.cms.gov/Medicare/Provider-Enrollment-and-Certification/GuidanceforLawsAndRegulations/Nursing-Homes.html>

Sincerely,

Jenny Hollandsworth
State Long Term Care Ombudsman
1-800-309-3282