



MEMO

Transfer and Discharge State Licensed Long Term Care Facilities

State Authority: Section 198.088, RSMo and 19 CSR 30-82.050 Transfer and Discharge Procedures.

Note: For Medicare/Medicaid Certified Skilled Nursing Facilities (SNF) and Intermediate Care Facilities (ICF), notices of transfer and discharge must also comply with Federal Regulatory Requirements, located at: 42 CFR §483.15 Admission, transfer and discharge rights; F622 Rev. 173, Issued: 11-22-17, Effective 11-28-17, Implementation 11-28-17; F623 Rev. 173, Issued: 11-22-17, Effective 11-28-17, Implementation 11-28-17; F626 Rev. 173, Issued: 11-22-17, Effective 11-28-17, Implementation 11-28-17.

19 CSR 30-82.050(2)

The facility shall permit each resident to remain in the facility unless—

- (A) The transfer or discharge is appropriate because the resident's welfare and the resident's needs cannot be met by the facility;
- (B) The transfer or discharge is appropriate because the resident's health has improved sufficiently so the resident no longer needs the services provided by the facility;
- (C) The safety of individuals in the facility is endangered;
- (D) The health of individuals in the facility would otherwise be endangered;
- (E) The resident has failed, after reasonable and appropriate notice, to pay for (or have paid under Medicare or Medicaid) a stay at the facility. For a resident who becomes eligible for Medicaid after admission to a facility, the facility may charge that resident only allowable charges under Medicaid; or
- (F) The facility ceases to operate.

19 CSR 30-82.050(3)

When the facility transfers or discharges a resident under any of the circumstances specified in subsections (2)(A)–(E), **the resident's clinical record shall be documented**. The facility shall ensure that documentation for the transfer or discharge is obtained from—

- (A) The resident's personal physician when transfer or discharge is necessary under subsections (2)(A)–(B); and
- (B) A physician when transfer or discharge is necessary under subsection (2)(D); and
- (C) The facility administrator or the facility director of nursing in all circumstances.

19 CSR 30-82.050(4)

Before a facility transfers or discharges a resident, the facility shall:

- (A) Send written notice to the resident in a language and manner reasonably calculated to be understood by the resident. **The notice must also be sent to any legally authorized representative of the resident and to at least one family member. In the event that there is no family member known to the facility, the facility shall send a copy of the notice to the appropriate regional coordinator of the Missouri State Ombudsman's office;**
- (B) **Include in the written notice the following information:**
1. The reason for the transfer or discharge;
 2. The effective date of transfer or discharge;
 3. The resident's right to appeal the transfer or discharge notice to the director of the Division of Aging or his/her designated hearing official within thirty (30) days of the receipt of the notice;
 4. The address to which the request for a hearing should be sent: Administrative Hearings Unit, Division of Legal Services, P.O. Box 1527, Jefferson City, MO 65102-1527;
 5. That filing an appeal will allow a resident to remain in the facility until the hearing is held unless a hearing official finds otherwise;
 6. The location to which the resident is being transferred or discharged;
 7. The name, address and telephone number of the designated regional long-term care ombudsman office;
 8. For Medicare and Medicaid certified facility residents with developmental disabilities, the mailing address and telephone number of the Missouri Protection and Advocacy Agency, 925 South Country Club Drive, Jefferson City, MO 65109, (573) 893-3333, or the current address and telephone number of the protection advocacy agency if it has changed. The protection and advocacy agency is responsible for the protection and advocacy of developmentally disabled individuals established under Part C of the Developmental Disabilities Assistance and Bill of Rights Act. For Medicare and Medicaid certified facility residents with mental illness, the address and telephone number of Missouri Protection and Advocacy Agency, the agency responsible for persons with mental illness under the Protection and Advocacy for Mentally Ill Individuals Act; and
- (C) **Record and document in detail in each affected resident's record the reason for the transfer or discharge.** The recording of the reason for the transfer or discharge shall be entered into the resident's record prior to the date the resident receives notice of the transfer or discharge, or prior to the time when the transferring or discharging facility decides to transfer or discharge the resident.

Timing of the Notice

19 CSR 30-82.050(5)

The notice of transfer or discharge described in this rule shall be made by the facility **no less than thirty (30) days** before the resident is to be transferred or discharged. In the **case of an emergency discharge, the notice shall be made as soon as practicable** before the discharge when it is specifically alleged in the notice that—

- (A) The safety of individuals in the facility would be endangered under subsection (2)(C) of this rule and the notice contains specific facts upon which the facility has based its determination that the safety of said individuals would be so endangered;
- (B) The health of individuals in the facility would be endangered under subsection (2)(D) of this rule and the notice contains specific facts upon which the facility has based its determination that the safety of said individuals would be so endangered;
- (C) The resident's health has improved sufficiently to allow a more immediate transfer or discharge under subsection (2)(B) of this rule;
- (D) An immediate transfer or discharge is required by the resident's urgent medical needs under subsection (2)(A) of this rule; or
- (E) The resident has not resided in the facility for thirty (30) days.