



Office of the State Long-Term Care Ombudsman

Consumer Rights Regarding Involuntary Discharge from an Ohio Nursing Home

It is against Ohio law to discharge a consumer from a facility against their will unless...

- the consumer's health has improved sufficiently to allow a more immediate discharge or transfer to a less skilled level of care;
- the consumer has resided in the home fewer than thirty days;
- an emergency arises in which the health or safety of individuals in the home is or would be otherwise endangered;
- an emergency arises in which the consumer's urgent medical needs require a more immediate transfer or discharge; or
- the consumer fails to pay for care per current regulations (i.e. certain conditions exist such as having no pending Medicaid number).

Consumers have the right...

- to receive notice of discharge, even in emergencies
- to receive written notice at least 30 days in advance of involuntary discharge that must include:
 - reason for discharge
 - date of proposed discharge
 - location where consumer will be discharged
 - consumer's rights to appeal
 - address of the Ohio Department of Health (ODH) legal office
 - name, address, and phone number of the Regional Long-Term Care Ombudsman Program
 - challenge any discharge by requesting an impartial hearing and may stay in the facility pending the outcome if a hearing is requested within 10 days of notice
 - adequate preparation prior to discharge to ensure a safe and orderly transfer
 - have the location proposed for discharge to have accepted the resident prior to discharge

The Long-Term Care Ombudsman Program Can Help

As mandated by the Older Americans Act and Ohio law, the mission of the Long-Term Care Ombudsman Program is to seek resolution of problems and advocate for the rights of home care consumers and residents of long-term care facilities with the goal of enhancing the quality of life and care of consumers.

If a consumer is ready to leave a nursing home the ombudsman can...

- ensure the facility provides required discharge planning
- assist the consumer and family in assessing multiple options regarding alternative living arrangements including, but not limited to, home and community-based services
- help the consumer and family select quality services that meet their individual needs
- help the consumer access resources that will enable them to return to the community as soon as feasible

The Ombudsman can also...

- advise you and your family on rights and regulations
- negotiate with the provider
- assist in resolving issues that may lead to discharge
- represent the resident at an impartial hearing
- ensure the residents' rights are protected
- assist in care planning to ensure appropriate care and services are provided

This fact sheet provides general information and is not legal advice.
The regulations are complex and may change.

For more information

1-800-282-1206

www.aging.ohio.gov

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