

When is an involuntary discharge legal?

By law, a facility must permit residents to remain in the facility and not discharge them unless:

- The resident's health has improved sufficiently so he or she no longer needs the services provided by the facility;
- The safety of individuals in the facility is endangered;
- The health of individuals in the facility is endangered;
- The resident has failed, after reasonable and appropriate notice, to pay for a stay at the facility; or
- The facility ceases to operate.

Residents have the option to appeal an involuntary discharge within seven days after receiving notice through the Iowa Department of Inspections and Appeals.

Your State and Local Long-Term Care Ombudsmen can be reached at:

866.236.1430

INVOLUNTARY Discharge from a Long-Term Care Facility



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What is an involuntary discharge from an LTC facility?

An involuntary discharge from a long-term care (LTC) facility occurs when the facility provides a 30-day written notice to a resident informing him/her of the need to move out of the facility.

In rare situations, an emergency discharge notice is permitted if there is medical justification by the attending physician to show the facility is protecting the health, safety or well-being of other residents and staff. The facility will issue a written notice immediately and residents are typically discharged to a hospital in these situations.

The notice must set out the reasons for the transfer or discharge as well as state the effective date, location of transfer or discharge, statement of appeal rights and the contact information (name, address and telephone number) for the Office of the State Long-Term Care Ombudsman.

Frequently asked questions about involuntary discharges

Q: My facility has mentioned the possibility of issuing a 30-day involuntary discharge notice. What can I do?

A: If you are concerned about an involuntary discharge, call the Office of the State Long-Term Care Ombudsman at 866.236.1430 and ask to speak with the discharge specialist. He or she can provide you with information about your rights and may be able to help you resolve the issues.

Q: I received an involuntary discharge (or emergency discharge) notice and I do not agree with this decision. What should I do?

A: You may appeal the decision within seven days after receiving the notice. To request a hearing, contact the Iowa

Department of Inspections and Appeals by calling 515.281.4115 or writing to the administrator at: Division of Health Facilities, Dept. of Inspections and Appeals, Lucas State Office Building, Des Moines, IA 50319.

The Office of the State Long-Term Care Ombudsman can also assist in filing the appeal.

Q: How do I prepare for a hearing? Can I get an attorney?

A: You have the right to be represented at the hearing by an attorney or any individual of your choice.

For information about your rights or to request assistance, contact the Office of the State Long-Term Care Ombudsman at 866.236.1430 and ask to speak with the discharge specialist.

You may also contact Disability Rights Iowa at 800.779.2502 for additional information about your rights.

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