



King County LTCOP  
is a program of



### Your right to a fair hearing

- **Nursing Home residents** faced with an involuntary discharge have the right to an administrative hearing to dispute the discharge, and it is the facility's responsibility to assist the resident in requesting one.
- **Adult Family Home and Boarding Home residents** have the right to a Superior Court hearing under the Landlord/Tenant laws. These residents have the right to stay in their homes beyond the 30-day notice while the facility initiates eviction proceedings.

### We believe...

- Our community has the resources, will and ability to end poverty.
- All people have the right to food, shelter, social justice and opportunities.
- Racism perpetuates poverty. To end poverty, we must undo racism.

We believe that together, we can build a community free from poverty, prejudice and neglect in which all members stand on Solid Ground with the skills and confidence needed to achieve their dreams.

## Discharge Rights for long-term care residents



**King County  
Long Term Care  
Ombudsman Program**

**For laws & regulations on long-term care discharge rights, go to: [www.LTCOP.org](http://www.LTCOP.org)**

Then, click on "Resident Rights" and look for Washington State Law, "RCW 70.129.110: Disclosure, transfer and discharge requirements."

**Questions or concerns?  
We encourage you to call us!**

**206.623.0816**

MAILING ADDRESS  
1501 North 45th Street, Seattle, WA 98103-6708

INFO & COMPLAINT 206.623.0816	TTY 7.1.1
FAX 206.675.8093	EMAIL LTCOP@solid-ground.org

PROGRAM WEB LTCOP.org	AGENCY WEB solid-ground.org
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Reasonable accommodations for disabilities made on request.

# Know your long-term care discharge rights

Research shows that when residents involuntarily move, they often experience declines in physical and mental health. If you live in a long-term care facility, you have special rights and recourse when it comes to discharge. Your Long-Term Care Ombudsman is uniquely prepared to provide advocacy on all discharges and transfers.



## Your discharge rights & facilities' responsibilities

- The facility must first provide reasonable accommodations of the resident's needs to avoid discharge.
- Medical assessment and intervention can often eliminate causes for mental or behavioral changes in a resident.
- Discharge requires written notice (usually 30 days) and a written discharge plan.
- The discharging facility is required to find a new home for the resident. This complies with the legal mandate for a "safe and orderly discharge."

## VALID REASONS for long-term care transfer or discharge

- A resident's needs cannot be met in the current facility.
- Health has improved, and the resident no longer needs facility services.
- The safety or health of individuals in the facility are endangered.
- Nonpayment (after all reasonable options for paying outstanding bills have been exhausted).
- Closure of facility.

## Some INVALID REASONS for discharge

- Smoking itself is not a reason for discharge. (Unsafe smoking *is* a concern.)
- Refusing treatment, including medication.
- Complaining about conditions in the home.
- Having "no Medicaid bed" is *not* a valid reason in 99% of nursing homes.

## Other important information

- The reason for discharge must be documented in the resident's record. In a nursing home, the resident's doctor must document their approval.
- The only exceptions to the 30-day notice rule, which must be determined by a doctor, may be: **1)** emergent medical need and **2)** endangerment of health and safety of individuals in the facility.
- When a resident is transferred or discharged, the facility must provide sufficient preparation and orientation to ensure a safe and orderly discharge.
- Facilities must provide a detailed, written discharge plan, developed with the participation of the resident or their legal representative. They must also provide the resident with continuity of care and mitigation of transfer trauma.