Leaving the nursing facility

Residents’ rights under Oregon law

Oregon law protects residents of nursing facilities when they:
- Move into or out of a nursing facility
- Move from one facility to another

These laws are enforced by the Oregon Department of Human Services (DHS).

This brochure is for nursing facility residents and their families and friends. It explains the rights of residents who choose to move or are asked to do so.

If residents choose to move
Residents may choose to move out of a nursing facility for many reasons, including:
- They no longer need nursing facility care
- They want to move to another facility
- They need care that is not available at their present facility

If residents choose to move, they need to fill out the Voluntary Consent form in this brochure and give it to the nursing facility. The facility must keep the form in its files.

If the resident is asked to move
A nursing facility can ask a resident to move for reasons that include:
- The resident is a danger to other residents
- The facility is not being paid (residents who run out of money cannot be moved if they are eligible for Medicaid nursing facility payments)
- The facility is being closed

In most cases, the facility must give the resident 30 days notice before a move. Sometimes, a shorter notice is allowed. See the Oregon Administrative Rules 411, Division 88 for details.

If a resident does not want to move
If a resident has been asked to move and does not want to move, they need to act quickly. The resident or their representative should ask DHS for a meeting. To do this, complete the Request for Meeting/Hearing form in this brochure.
Mail the form to:

Oregon Department of Human Services  
Seniors and People with Disabilities  
Office of Licensing and Quality of Care  
500 Summer Street NE, E13  
Salem, OR 97301-1074

Also, if the resident or the resident’s representative tells an employee of the nursing facility that they want a meeting about the move, the staff must tell DHS and ask for a meeting.

It is important to ask for a meeting as soon as possible. Otherwise the resident could lose their right to ask for one. After the meeting is requested, the resident cannot be moved before the meeting takes place.

**What will happen at the meeting?**

Meetings are usually held at the nursing facility. The resident may attend, but does not have to, and anyone the resident chooses can attend.

Someone from the facility must be at the meeting. The representative from DHS will help everyone understand what the choices are and what the law says. This meeting is called an informal conference.

If an agreement is not reached at the meeting, the resident can ask for a hearing. The hearing is a formal meeting that takes place before a hearings officer. The hearings officer will listen to all of the information and decide if the resident must move.

Either DHS or the hearings officer can stop the move if moving will harm the resident. If the move is allowed, DHS may set conditions for the move to protect the resident.

**Who else can act for the resident?**

Sometimes residents cannot act for themselves in matters regarding moving to or from a nursing facility. In those cases, any of the following people can act for the resident:

- A person a resident has asked to speak for them
- The resident’s lawyer, guardian, or anyone the court has asked to represent the resident
- The resident’s case manager if they are receiving Medicaid assistance
- The Oregon Long Term Care Ombudsman 1-800-522-2602

**Returning to a nursing facility**

If a resident leaves a nursing facility to go into the hospital, the facility must keep the bed for the resident *if* the facility continues to be paid for the bed. If you have questions about this, call 1-800-232-3020.

If the facility says the resident cannot come back after being in the hospital, the resident can ask DHS for a meeting and a hearing to decide if the resident can return.
A resident who leaves a facility for any reason (and is no longer paying the facility) usually has the right to return within 180 days. There must be space available in the facility and the resident must ask to return within 180 days of leaving.

To request a meeting with DHS, complete the form on the left and mail it to:

Oregon Department of Human Services
Seniors and People with Disabilities
Office of Licensing and Quality of Care
500 Summer Street NE, E13
Salem, OR 97301-1074

If you have questions call
1-800-232-3020

Federal requirements — 42 CFR 405.1121(k)(4), 42 CFR 442.311(c)
State requirements — ORS 411.605(4), and OAR Chapter 411, Division 88
Oregon requirements also available on the Internet — http://www.sdsd.hr.state.or.us/rules/index.htm

If you do not want to move from the nursing facility, complete the Request for Meeting form below and mail it to the Oregon Department of Human Services.

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Request for Meeting

I object to the move (or the refusal to allow readmission). I want a meeting with the Oregon Department of Human Services and the nursing facility to talk about this. My relationship to the resident is:  □ I am the resident  □ Son or daughter  □ Spouse  □ Other___________________

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