



## **Admission, Transfer, and Discharge Implementation Checklist (F623)**

On June 29, 2022, the Centers for Medicare & Medicaid Services (CMS) updated Appendix PP of the State Operations Manual. New and revised guidance covers significant sections of the Requirements of Participation and must be implemented by October 24, 2022.

LeadingAge has developed implementation checklists to assist members as they work toward compliance. **The checklists and other resources are not exhaustive and LeadingAge strongly encourages members to review the CMS guidance to ensure compliance with all required elements.**

Excerpts from the guidance and suggested action items are organized according to the headings provided by CMS in the State Operations Manual, Appendix PP. Excerpts are italicized, with new/revised guidance noted in red text.

### **§483.15 Admission, Transfer, and Discharge Rights – F623 Notice Requirements Before Transfer/Discharge**

GUIDANCE (p. 187)

#### ***Notice of Transfer or Discharge and Ombudsman Notification***

*For facility-initiated transfers or discharges of a resident, **prior to the transfer or discharge**, the facility must notify the resident and the resident's representative(s) of the transfer or discharge and the reasons for the move in writing and in a language and manner they understand. Additionally, the facility must send a copy of the notice of transfer or discharge to the representative of the Office of the State Long-Term Care (LTC) Ombudsman. The intent of sending copies of the notice to a representative of the Office of the State LTC Ombudsman is to provide added protection to residents from being inappropriately **transferred or discharged**, provide residents with access to an advocate who can inform them of their options and rights, and to ensure that the Office of the State LTC Ombudsman is aware of facility practices and activities related to transfers and discharges. The **facility** must **maintain** evidence that the notice was sent to the Ombudsman. While Ombudsman Programs vary from state to state, facilities **should** know the process for ombudsman notification in their state.*

Action Items:

- Review policies and protocols related to transfer and discharge to ensure that written notification of transfer or discharge is provided to residents / resident representatives prior to transfer or discharge. Notification must be in a language and manner the resident / resident representative is able to understand and must include the reasons for transfer or discharge.
- Review policies and protocols for providing copies of notice of transfer or discharge to the ombudsman. Ensure notification is provided according to the process outlined by the state. Develop or update protocols for maintaining evidence of notifications to ombudsman.

**Facility-Initiated Transfers and Discharges**

*In situations where the facility has decided to discharge the resident while the resident is still hospitalized, the facility must send a notice of discharge to the resident and resident representative **before the discharge**, and must also send a copy of the discharge notice to a representative of the Office of the State LTC Ombudsman. Notice to the Office of the State LTC Ombudsman must occur at the same time the notice of discharge is provided to the resident and resident representative, even though, at the time of initial emergency transfer, sending a copy of the transfer notice to the ombudsman only needed to occur as soon as practicable as described below.*

Action Items:

- Review policies and protocols related to transfer and discharge to ensure that notification is provided to residents / resident representatives and the ombudsman prior to discharge for residents who are discharged during hospitalization.

**Emergency Transfers**--*When a resident is temporarily transferred on an emergency basis to an acute care facility, this type of transfer is considered to be a facility-initiated transfer and a notice of transfer must be provided to the resident and resident representative as soon as practicable **before the transfer**, according to 42 CFR §483.15(c)(4)(ii)(D). Copies of notices for emergency transfers must also still be sent to the ombudsman, but they may be sent when practicable, such as in a list of residents on a monthly basis, **as long as the list meets all requirements for content of such notices at §483.15(c)(5).***

Action Items:

- Review policies and protocols related to transfer and discharge to ensure notice of transfer or discharge is provided to residents / resident representatives prior to emergency transfer.

- Provide training to appropriate staff as needed to ensure that proper notice of transfer can be provided to residents / resident representatives, containing all required elements, prior to transfer, even if transfer occurs off-hours or on weekends.
- Review protocols for providing notice of emergency transfer to ombudsman to ensure notification meets requirements, including requirements for content of notices as outlined at §483.15(c)(5).

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### **Contents of the Notice**

The facility's notice must include *all of the following at the time notice is provided*:

- The specific reason for the transfer or discharge, including the basis *under §§483.15(c)(1)(i)(A)-(F)*;
- The effective date of the transfer or discharge;
- The *specific location (such as the name of the new provider or description and/or address if the location is a residence)* to which the resident is to be transferred or discharged;
- An explanation of the right to appeal *the transfer or discharge* to the State;
- The name, address (mail and email), and telephone number of the State entity which receives *such* appeal hearing requests;
- Information on how to *obtain* an appeal *form*;
- Information on obtaining assistance in completing and submitting the appeal hearing request; and
- The name, address (*mailing and email*), and phone number of the representative of the Office of the State Long-Term Care ombudsman.

*For nursing facility residents with intellectual and developmental disabilities (or related disabilities) or with mental illness (or related disabilities), the notice must include the name, mailing and e-mail addresses and phone number of the state agency responsible for **the protection and advocacy** for these populations.*

Action Items:

- Review policies related to transfer and discharge to ensure notices of transfer or discharge contain all required elements as outlined at §483.15(c)(5). Conduct audits, update tools/resources (such as notice templates), and train staff as needed to ensure that notices of transfer and discharge contain all required elements.

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### **Timing of the Notice**

Generally, this notice must be provided at least 30 days prior to the transfer or discharge **of the resident**. Exceptions to the 30-day requirement apply when the transfer or discharge is effected because:

- *The health and/or safety of individuals in the facility would be endangered due to the clinical or behavioral status of the resident;*
- *The resident's health improves sufficiently to allow a more immediate transfer or discharge;*
- *An immediate transfer or discharge is required by the resident's urgent medical needs; or*
- *A resident has not resided in the facility for 30 days.*

In these **exceptional** cases, the notice must be provided to the resident, resident's representative if appropriate, and LTC ombudsman as soon as practicable **before the transfer or discharge**.

Action Items:

- Review policies and protocols related to notice of transfer or discharge. Train staff on the limited circumstances under which notice of transfer or discharge may occur less than 30 days prior to transfer or discharge.
- Ensure staff are trained on properly documenting circumstances which present an exception to the 30-day requirement for notice of transfer/discharge.
- Conduct audits to ensure staff are properly documenting and that residents / resident representatives and the ombudsman are being notified as soon as practicable prior to transfer or discharge when transfer/discharge occurs under the exception to the 30-day prior notice requirement.

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### **Changes to the Notice**

*If information in the notice changes, the facility must update the recipients of the notice as soon as practicable with the new information to ensure that residents and their representatives are aware of and can respond appropriately. For significant changes, such as a change in the **transfer or discharge** destination, a new notice must be given that clearly describes the change(s) and resets the transfer or discharge date in order to provide 30 day advance notification **and permit adequate time for discharge planning**. Surveyors should be aware that **if a change in destination indicates that the original basis for discharge has changed, a new notice is required and additional appeal rights may exist for the resident. This situation may require further investigation to determine whether the facility is in compliance with the Transfer and Discharge requirements at 42 CFR 483.15(c).***

*Example: A facility determines it cannot meet a resident's needs and arranges for discharge to another nursing home which can meet the resident's needs. Before the discharge occurs, the receiving facility declines to take the resident and the discharging facility changes the destination to a setting that does not appear to meet the resident's ongoing medical needs. This could indicate that the basis for discharge has changed, and would require further investigation.*

*NOTE: Federal regulations at 42 CFR Part 431, Subpart E, Fair Hearings for Applicants and Beneficiaries, address the requirements for States to implement a fair hearing process.*

**Action Items:**

- Conduct audits of transfer/discharge notices that were updated after original notification to determine if transfer/discharge requirements continued to be met. Train staff as needed on ensuring that updated notices meet transfer/discharge notice requirements.
- Review documentation and train staff as needed to ensure that basis for discharge is supported in circumstances where the notice was updated after original notification.