

Leaving the nursing facility

Residents' rights under Oregon law



www.oregon.gov/DHS/spwpc/offices.shtml

Or call:

1-800-232-3020



This document can be provided upon request in alternative formats for individuals with disabilities. Other formats may include (but are not limited to) large print, Braille, audio recordings, Web-based communications and other electronic formats.

E-mail dhs.forms@state.or.us, call 503-378-3486 (voice) or 503-378-3523 (TTY), or fax 503-373-7690 to arrange for the alternative format that will work best for you.

Returning to a nursing facility

If you leave a nursing facility to go into the hospital, the facility must keep the bed for you 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 you cannot come back after being in the hospital, you can ask DHS for a meeting and a hearing to decide if you can return.

If you leave a facility for any reason (and are no longer paying the facility), you usually have the right to return within 180 days. There must be space available in the facility, and you must ask to return within 180 days of leaving.

If you do not want to move from the nursing facility, or you have been denied the right to return to the nursing facility, you can request a meeting with DHS by completing the form on the left and mailing 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

Federal requirements

— 42CFR483.12

State requirements

— ORS 441.605(4) and OAR Chapter 411, Division 88

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:

Resident name:		Nursing facility name:	
Your name:		Your address:	
City:	State:	Zip code:	
Home telephone: () - -	Work telephone: () - -	Date:	
Your signature:			



Residents' rights under Oregon law



Oregon law

Oregon law protects you, a resident of a nursing facility, when you:

- Move into or out of a nursing facility, or
- Move from one facility to another.

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

This brochure is for you and your family and friends. It explains your rights when you choose to move or are asked to do so.

Who else can act for you

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

- A person you have asked to speak for you;
- Your lawyer, guardian or anyone the court has asked to represent you;
- Your case manager if you are receiving Medicaid assistance; or
- The Oregon Long Term Care Ombudsman at 1-800-522-2602.

**3855 Wolverine St. NE, Suite 6
Salem, OR 97305-1251**

If you choose to move

You may choose to move out of a nursing facility for many reasons, including:

- You no longer need nursing facility services,
- You want to move to another facility, or
- You need services that are not available at your present facility.

If you choose to move, you 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 you are asked to move

A nursing facility can ask you to move for reasons that include:

- You are a danger to other residents;
- The facility is not being paid (if you are receiving Medicaid assistance and you run out of money, you cannot be moved); or
- The facility is being closed.

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

If you do not want to move

If you have been asked to move and you do not want to move, you need to act quickly. You or your representative should ask DHS for a meeting. To do this, complete the Request for Meeting form in this brochure.

Also, if you or your representative tells a facility employee that you want a meeting, the employee must tell DHS and request a meeting.

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

What will happen at the meeting

Meetings usually are held at the nursing facility. You may attend, but you do not have to, and anyone you choose can attend.

Someone from the facility must be at the meeting. The DHS representative 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, you 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 you must move.

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

Voluntary Consent form

Complete and give to nursing facility.

If you are choosing to move from the nursing facility, complete the Voluntary Consent form and give it to facility staff. They will keep the form on file.

Nursing facility name:

	Signature	Date
	Signature	Date

I have read and understand this brochure, Leaving the nursing facility. This move is voluntary. I choose to move from this facility.