YOU GENERALLY HAVE THE RIGHT TO STAY IN THE NURSING HOME

There are only 6 valid reasons that a nursing home can ask you to go to another facility or to go home or to the home of a loved one:

1. **Your health care needs truly cannot be met by the home;**
2. **Your health has improved enough that you no longer qualify for nursing home care;**
3. **You endanger the safety of other residents;**
4. **The physical health of others is seriously at risk;**
5. **You have failed to pay;**
6. **The facility is closing.**

Even if the nursing home states one of these reasons, you have the right to appeal to challenge the discharge.

- **The facility has to give you written notice (usually 30 days in advance) of the date, location and reason for the transfer or discharge.**
- ***Where will I go?*** **The nursing home cannot make you leave until you have a safe place to go where you will receive appropriate care. The nursing home staff must help you and your family find an appropriate place for you to move and must develop a plan of care to help you adjust to the new place.**
- **If you go to the hospital or on therapeutic leave, you have the right to go back to the first available bed in the same nursing home as long as you are Medicaid-eligible and you still need nursing home care—even if you did not pay to hold the bed.** ***If the nursing home refuses to let you return, you should file an appeal with the Department of Medical Assistance Services.***
- **If you entered the nursing home for rehabilitation or therapy covered by Medicare and your Medicare coverage is now ending, the facility cannot force you to leave without notice and the opportunity for a hearing. If you are eligible for Medicaid, you should be able to move to a Medicaid-certified bed as soon as one is available and you should be able to stay in the same nursing home.**
- **You have the right to appeal any of these decisions to the Department of Medical Assistance Services, Division of Client Appeals, 600 East Broad Street, Suite 1300, Richmond, VA 23219.**

IF YOU HAVE ANY OF THESE PROBLEMS, CALL YOUR LOCAL LONG TERM CARE OMBUDSMAN OR YOUR LOCAL LEGAL AID PROGRAM IMMEDIATELY.

ARE YOU BEING ASKED TO LEAVE THE NURSING HOME?

If so, you have rights!

YOU HAVE THE RIGHT TO STAY IN THE NURSING HOME UNLESS:

- **There are medical reasons,**
- **Your own welfare or the welfare of other residents is at risk,**
- **You have failed to pay your bill, or**
- **The nursing home is closing.**

If you do not want to leave, you can file an appeal before the date of discharge with:

Virginia Department of Medical Assistance Services
Division of Client Appeals
600 East Broad Street, Suite 1300
Richmond, VA 23219
Phone: 804-371-8488; Fax: 804-371-8491

If you appeal, the facility must let you stay until you have a hearing and the hearing officer makes a decision.

CALL YOUR LOCAL LONG TERM CARE OMBUDSMAN:

1-800-552-3402

or

1-804-565-1600

For more information and possible representation, call the local legal aid program for help: 1-866-534-5243.

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