

Your Rights to Stay in the Nursing Home



Do you live in a nursing home? Most of the time, the nursing home cannot force you to leave.



Can they move you out because you won't pay for services? No, not if Medicare, CHOICES or another program has already paid for the services.

What if you owe a bill to someone else, like a drug store? Can they move you out for not paying it? **No.**

They **can't** move you out because you complained about the nursing home.

When can they make you leave?

They can force you to leave **IF**:

- Your medical care calls for it **OR**
- It is needed to protect you or other patients **OR**
- Your nursing home bill has not been paid **OR**
- You no longer need nursing home services

NOTE: Are you on Medicare? Are you supposed to pay for part of your care? The nursing home **can't** ask for your share up front. What if you can't pay your share after you get the care? They still can't make you leave.

Are you on CHOICES? Then you may have to turn over part of your income to the nursing home. This is called "patient liability." CHOICES pays the rest. You **don't** have to turn over your share before you move into the nursing home.

What about after you have gotten in? What if you or your family refuses to pay your part? Then the nursing home **can** make you leave.

Are you on CHOICES? Did you file an appeal about CHOICES that is not over yet?

An appeal is a way to get a problem fixed in the nursing home. CHOICES can't make you leave while the appeal is going on. Are you waiting for a CHOICES appeal to be decided? Then you can stay in the nursing home until it is decided.



Be sure you ask how much you have to pay. Ask when you have to start paying it.

Don't spend the money you owe the nursing home on anything else. It's a good idea to keep all your money in the bank for a few months. Do this until you know for sure how much the nursing home will charge you. You can spend \$30 a month on yourself. The nursing home has to let you keep at least this much of your income.

If the nursing home wants to make you leave

Does the nursing home you are in take Medicare or CHOICES? Then usually they must tell you **at least 30 days** before they move you out. The notice must tell you:



- Why they want to move you out
- That you can appeal if you disagree with the reason for moving you out
- How to get a hearing where you can tell your side of the story and
- How to get help with the appeal from the local long term care ombudsman. An ombudsman is a person who solves problems patients and families have with a nursing home. The ombudsman does **not** work for the nursing home.

You may be able to get help with an appeal from Legal Aid. See pages 3 and 4 in this booklet.

Can the nursing home ever tell you to move less than 30 days ahead? Yes, **IF**:

- Staying in the nursing home makes you a threat to your own health or safety **OR**
- You are a threat to the health or safety of others **OR**
- You have gotten so much better that you don't need nursing home care **OR**
- You have been in the nursing home less than 30 days

If you are “dangerous”

Does the nursing home want you to leave because you are dangerous? This can mean dangerous to yourself or to others. Then they must take 3 steps:

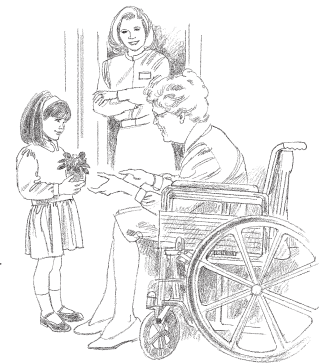
1. They must get a written order from your doctor. It must say they are moving you out. It must say it is **to protect the health and safety of you or others**. It must also say:



- The doctor himself examined you during the 7 days before you will move
 - He knows the plans for your care after you leave
 - He has thought about how upsetting a move could be for you
 - He knows how far you will be from your family after your move and
 - The move will not hurt your health or put you in danger
2. They must tell the Tennessee Department of Health at least 5 days before you move out. They also must tell the long term care ombudsman 5 days before you move out.
 3. They must tell you in writing that they plan to move you out. They must also tell, in writing, your family member or someone who represents you.

Your right to come back after hospital care or therapeutic leave

Therapeutic leave is overnight visits or going to a special event. Nursing homes have rules about how long you can be gone and keep your bed. Are you going to the hospital or taking therapeutic leave? Then the nursing home must give you the rules in writing. The rules must say how long you can be gone and keep your nursing home bed. They must also give the rules to a family member or someone who represents you.



Special CHOICES rights

Are you on CHOICES? The rules must say if you can get CHOICES to hold your nursing home bed for you. It must also tell you how to get CHOICES to hold the bed. What if you stay away longer than CHOICES will pay to hold your bed? Then you have the right to go into the nursing home's next open semi-private room. To have this right, you must still need nursing home care.

Do you pay for nursing home care with your own money? Then the nursing home **doesn't** have to hold your bed for you.

If the nursing home closes

What if the nursing home closes because there is a disaster? What if a government agency closes the nursing home?

Then other rules may apply to your transfer or discharge. To find out more, contact a local Legal Aid office. See pages 3 and 4 in this booklet.



Legal Aid Offices

Legal Aid Society of Middle Tennessee and the Cumberlands

**Nashville Office
(Main Office)**
300 Deaderick Street
Nashville, TN 37201
(615) 244-6610

Clarksville Office
109 South Third Street
Clarksville, TN 37040
(931) 552-6656

Columbia Office
1121 Trotwood Ave., Suite 4
Columbia, TN 38401
(931) 381-5533

Cookeville Office
95 S Jefferson Avenue
Suite 102
Cookeville, TN 38501
(931) 528-7436

Gallatin Office
650 N. Water Avenue
Gallatin, TN 37066
(615) 451-1880

Murfreesboro Office
526 North Walnut Street
Murfreesboro, TN 37130
(615) 890-0905

Oak Ridge Office
575 Oak Ridge Turnpike
Suite 201
Oak Ridge, TN 37830
(865) 483-8454

Tullahoma Office
281 Industrial Blvd.
Tullahoma, TN 37388
(931) 455-7000

West Tennessee Legal Services

Jackson Office (Main Office)
210 West Main Street
Jackson, TN 38302
(731) 423-0616

Dyersburg Office
208 East Church Street
Dyersburg, Tennessee 38024
731-285-8181

Huntingdon Office
113 West Paris Street
Huntingdon, Tennessee 38344
731-986-8975

Selmer Office

141 West Third Street
Selmer, Tennessee 38375
731-645-7961
800-499-1602

Memphis Area Legal Services

Memphis Office

22 N. Front Street, 11th Floor
Memphis, TN 38103
(901) 523-8822 or Toll Free (866) 361-9001

Memphis Fair Housing Center

22 N. Front St., 11th Floor
Memphis, TN 38103
(901) 432-4663

Rural Service Office

899-A Highway 51 South
Covington, TN38019
(901) 523-8822 or Toll Free (888) 207-6386

**Legal Aid
of East Tennessee**

Chattanooga Office

535 Chestnut St. - Suite 360
Chattanooga, TN 37402
423-756-4013

Cleveland Office

166 N. Ocoee Street
Cleveland, Tennessee 37311
423-303-2266

Erlanger Health System 3HLP

975 E. Third Street
Chattanooga, Tennessee 37403
423-778-7807

Family Justice Center

400 Harriet Tubman
Knoxville, TN 37915
865-215-6830

Knoxville Office

502 South Gay Street
Suite 404
Knoxville, TN 37902
(423) 637-0484

Maryville Office

307 Ellis Ave
Maryville, TN 37801
865-981-1818

Johnson City Office

311 West Walnut Street
Johnson City, TN 37605
(423) 928-8311

Morristown Office

1001 W. 2nd North Street
Morristown, 37814 TN
423-587-4850

Note: This booklet cannot take the place of legal advice. Each case is different. If you need legal advice, talk to a lawyer.



Legal Aid Society
of Middle Tennessee & the Cumberland

Working Together. Doing Justice. Restoring Hope.

1-800-238-1443

It's a free call.

On the internet at www.las.org