



## Office of the State Long-Term Care Ombudsman

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### **Assisted Living Discharge and Transfer Notification Facility Guidance State Of Utah Long-Term Care Ombudsman Program**

State law requires Utah assisted living facilities to send a copy of transfer or discharge notices, provided to the resident and the resident's representative, to the State Long-Term Care Ombudsman. This correspondence provides guidance when notice to the Office of the State of Utah Long-Term Care Ombudsman is required.

#### **Mandatory notification to the State Long-Term Care Ombudsman Program:**

Utah assisted living facilities are legally obligated, under State law 62A-3-209, to provide a copy of any **facility-initiated** transfer or discharge notice to the State Long-Term Care Ombudsman.

**Reportable facility-initiated discharges or transfers:** Copies of transfer or discharge notices must be provided to the resident, the resident's representative, and to the ombudsman when a facility initiates a transfer or discharge for any of the following reasons:

- The resident poses a threat to their own health or safety, or to others, or the facility can no longer meet their medical needs.
- The resident fails to make required payments for services as outlined in the admission agreement.
- The resident does not adhere to the facility's written policies or rules.
- The facility ceases its operations.

**Definition of a facility-initiated transfer or discharge:** A "facility-initiated transfer or discharge" refers to a situation where the resident opposes the transfer or discharge, it was not requested by the resident verbally or in writing, or it is not consistent with the resident's expressed care goals and preferences.

**Non-reportable self-initiated discharges or ransfers:** Facilities are not required to notify the ombudsman of resident self-initiated transfers or discharges.

**Timing of notification:** Facilities must issue a transfer or discharge notice to the resident and their representative at least 30 days in advance unless one of the exceptions outlined in R432-270-12(2)(b). **Copies** of these notices must be sent to the Office of the State of Utah Long-Term Care Ombudsman at the same time they are provided to the resident.

**Method of notification to the ombudsman:** Notification must be provided via email (scanned copy of the notice) or fax. *Postal mail is not an acceptable method.*

- Email: sltcop@utah.gov
- Fax: (801) 532-2217
- Subject line must state the facility name and county of the facility and whether the notice is a discharge or transfer (ex: "ABC facility, Weber County, discharge notice").

**Additional guidance:** Facilities are advised to seek further guidance from their legal counsel or industry trade association regarding discharge and transfer notices.

**Contact information for inquiries:** For questions pertaining to this communication, please contact me.

Sincerely,



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