



Office of the State Long-Term Care Ombudsman

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Nursing Facility Transfer and Discharge Notification Facility Guidance State Of Utah Long-Term Care Ombudsman Program

Federal regulation [42 CFR § 483.15\(c\)\(3\)](#) now require facilities to send a copy of **each** notice of transfer (i.e. a hospital, in-patient, or other temporary setting) or discharge (permanent move), provided to the resident and the resident's representative, to the Office of 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 Ombudsman: Facilities are required to submit copies of **all** transfer and discharge notices to the Office of the State Long-Term Care Ombudsman, regardless of whether the transfer or discharge was initiated by the facility or the resident. The ombudsman program has created optional discharge and transfer templates to assist facilities in providing all of the required information.

Reason for Discharge: The discharge reason of "the resident's health has improved" is usually appropriate for a planned discharge after a rehabilitation stay. "Resident wishes to leave" is not listed as a discharge reason in regulations. It has been added to the optional discharge template for AMA discharges or other resident directed situations. This option is appropriate if the resident would be permitted to remain in the facility should they change their mind about leaving. It should only be cited as the discharge reason if no other reason applies.

Emergency Transfers: For emergency transfers to acute care facilities, a transfer notice must be provided to the resident and their representative **within 24 hours of the transfer. Copies of these notices** must also be sent to the ombudsman as soon as practicable, but no later than on a monthly basis. Emergency transfer notices may be sent together in one email or fax. Facilities may create a list of emergency transfers, provided the list adheres to requirements of §483.15(c)(5).

- **Sending copies of individual notices together on a weekly basis is considered best practice.**

The Office of the State Long-Term Care Ombudsman is a programmatically independent advocacy service located within the Utah Department of Health and Human Services. Points of view, opinions, or positions of the Ombudsman Program do not necessarily represent the views, positions, or policy of the Utah Department of Health and Human Services

Prohibition on discharge during appeal: A resident may not be transferred or discharged while an appeal is pending, as per § 431.230, unless failure to do so would endanger the health or safety of the resident or other individuals in the facility. Any such danger must be formally documented by the facility.

Timing of Ombudsman Notification:

- Facilities must give the resident and their representative a notice of discharge or transfer at least **30 days** in advance unless one of the exceptions outlined in 42 CFR 483.15(c)(4)(ii) applies. The facility **must send copies** of these notices to the Office of the State of Utah Long-Term Care Ombudsman at the **same time**.
- Should a resident be hospitalized and the facility opts against readmission, this constitutes a discharge. A discharge notice is required to be issued to the resident or their representative, with a simultaneous copy forwarded to the Ombudsman.

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

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

Additional Guidance: Facilities are encouraged to seek additional guidance from legal counsel or their industry trade association.

Contact Information for Inquiries: For questions pertaining to this communication, please contact me.

Sincerely,



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