

Nursing home evictions limited.

By Jill Burzynski Published in Naples Daily News July 26th 2012

A nursing home cannot force a resident out of the facility without following certain procedures, including written notice. Even with written notice, there are only six legitimate reasons for eviction. Those reasons are:

- The resident has failed to pay.
- The resident no longer needs nursing home care.
- The resident's needs cannot be met in a nursing home.
- The resident's presence in the nursing home endangers others' safety.
- The resident's presence in the nursing home endangers others' health.
- The nursing home is going out of business. (See Section 483.12(a) of Title 42 of the Code of Federal Regulations.)

Typically, evictions require 30 days after written notice, with an opportunity to appeal. Only under emergency situations can the nursing home evict a resident without giving a 30-day written notice.

Sometimes, nursing homes use reason No; 3, saying the resident's needs cannot be met in a nursing home. This reason would not be appropriate, unless the alternative plan for care at a nursing home included having a facility that was substantially different from the care provided at the discharging facility.

For instance, if a patient suffers from dementia and is a flight risk, he will require a secure facility. If the discharging facility is not secure, and he is being discharged to a secure facility, then the discharge might be appropriate. However, if the discharge is from one secure facility to another, or from one nonsecure facility to another nonsecure facility, the discharge could be challenged.

Sometimes a facility will tell the family a patient can stay only if the family provides private-duty care at their expense. However, the Nursing Home Reform Law requires each nursing home provide the care a resident needs to reach the highest practicable level of functioning. (See Section 483.25 of Title 42 of the Code of Federal regulations.) This requirement is not being met if the facility is requiring private-duty care.

The nursing home has a legal responsibility to provide necessary care. Family members should be aware of the law and should not allow a facility to discharge a patient illegally or require private duty care.

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