12-003.01 INITIAL LICENSE:

12-003.01B Application Requirements: The applicant may construct an application or obtain an application from the Department. The application must include:

...21. If applicable, the disclosure information required by the Alzheimer’s Special Care Disclosure Act, Neb. Rev. Stat. §§ 71-516.01 to 71-516.04. The following information must be submitted:

...b. The process and criteria for placement in, transfer to, or discharge from the unit;

12-006.05 RESIDENT RIGHTS:

The facility must inform residents of their rights in writing. The operations of the facility must afford residents the opportunity to exercise their rights, which must include, but are not limited to, the following. Residents must have the right to:

1. Be fully informed in writing prior to or at the time of admission and during his or her stay, of services available in the facility, and of related charges including any charges for services not covered by the facility’s basic per diem rate;

...5. Be free from arbitrary transfer or discharge. The resident must be informed at the time of admission that he or she may be transferred or discharged only upon the following terms:

a. Upon his or her consent;

b. For medical reasons, which must be based on the resident’s needs and be determined and documented by a physician;

c. For the resident’s safety or the safety of other residents or facility employees;

d. When rehabilitation is such that movement to a less restrictive setting is possible; or

e. For nonpayment of the resident’s stay, except as prohibited by Title XVIII or XIX of the Social Security Act as amended, or the Nebraska Nursing Home Act, Neb. Rev. Stat. §§ 71-6008 to 71-6037. Nonpayment under the Nebraska Nursing Home Act
State Regulation for Admission, Transfer and Discharge Rights—NE through NH
must not include a change in resident economic status so that the resident receives
Medicaid or becomes eligible for Medicaid if the resident has resided in the facility for
a period of at least one year after July 17, 1986, unless 10% of the facility’s residents
are receiving Medicaid or are eligible for Medicaid. This provision does not apply to
Nebraska Veterans’ Homes established under Chapter 80, Article 3 of Nebraska Statutes.
A minimum of 30 days written notice must be given to the resident or to his or her
designee prior to involuntary transfer or discharge of a resident, except that:
(1) Five days written notice must be given if the transfer is to a less restrictive setting
due to rehabilitation.
(2) Ten days written notice will be given if the resident is five or more days in arrears
of payment for stay.
(3) Written notice is not required in the event of emergency transfer or discharge if the
transfer or discharge is mandated by the resident’s health care needs and is in
accord with the written orders and medical justification of the attending physician, or
if mandated for safety of other residents or facility employees as is documented in the
facility’s records.
Written notice must contain:
(1) The stated reason for transfer or discharge
(2) The effective date of the transfer or discharge; and
(3) In not less than 12-point type, the following text:
“A health care facility or health care service shall not discriminate or retaliate against a
person residing in, served by, or employed at the facility or service who has initiated or
participated in any proceeding authorized by the Health Care Facility Licensure Act or who
has presented a complaint or provided information to the administrator of the facility or
service, the Department of Health and Human Services, the Department of Health and
Human Services Finance and Support, or the Department of Health and Human Services
Regulation and Licensure. Such person may maintain an action for any type of relief,
including injunctive and declaratory relief, permitted by law.”
12-006.16G Other Facility Records: The facility must have and maintain the following records:

...12-006.16G2 Written policies and procedures that govern all services provided by the facility. Policies and procedures must address the following areas but are not limited to:

...2. Transfer and discharge...