SECTION 19.0 RIGHTS OF RESIDENTS

...19.2 Each resident shall be offered treatment without discrimination as to gender, age, race, color, religion, national origin, handicap, or source of payment.

...19.6 Each resident or responsible party shall be informed in writing, prior to, or at the time of admission and during stay, of services available and of related charges including all charges not covered either under federal and/or state programs by other third party payers or by the facility's basic per diem rate.

...19.18 Before transferring a resident to another facility or level of care within a facility, the resident shall be informed of the need for such a transfer and of any alternatives to such a transfer.

a) A resident shall be transferred or discharged only for medical reasons, or for his welfare or that of other residents or for nonpayment of his stay.

b) Reasonable advance notice for transfers to health care facilities other than hospitals shall be given to ensure orderly transfer or discharge and such actions shall be documented in the medical record.

19.18.1 Bed-Hold and Readmission: A nursing facility must provide written information pertaining to bed-hold and readmission for residents transferred for hospitalization or therapeutic leave as follows:

a) Notice before transfer: Before a resident of a nursing facility is transferred for hospitalization or therapeutic leave, a nursing facility must provide written information to the resident and a family member or legal representative concerning:

i) the provisions of the medical assistance program state plan regarding the period (if any) during which the resident will be permitted under the state plan to return and resume residence in the facility; and

ii) the policies of the facility regarding such a period, which policies must be consistent with section b) hereunder;
b) Notice upon transfer: At the time of the transfer of a resident to a hospital or for therapeutic leave, a nursing facility must provide written notice to the resident and a family member or legal representative of the duration of any period described in section c) hereunder; except in an emergency, said notice must be given within 24 hours of the transfer.

c) Permitting resident to return: A nursing facility must establish and follow a written policy under which a resident:

i) who is transferred from the facility for hospitalization or therapeutic leave; and

ii) whose hospitalization or therapeutic leave exceeds a period paid for under the state plan for the holding of a bed in the facility for the resident, will be readmitted to the facility immediately upon the first availability of a bed of appropriate level of care in a semi-private room in the facility if at time of readmission, the resident requires the services provided by the facility;

iii) Any nursing facility that accepts private payment for purposes of reserving a bed in the facility for a resident who is transferred from the facility for hospitalization or other institutional therapeutic leave, and that resident's medical and health care is being paid for by the state Medical Assistance Program, shall not charge an amount per day for reserving a bed in the facility that exceeds the facility's current Medicaid daily rate; for a minimum of the first five (5) days of said hospitalization or the institutional therapeutic leave.

iv) the departments of human services and of health shall receive, on a monthly basis, the names from each nursing home of those persons awaiting readmission under these provisions.

SECTION 21.0 RESIDENT CARE POLICIES

21.5 Resident care policies shall be available for review by all residents, physicians, community agencies, relatives and personnel and shall include provisions for at least the following:

...g) emergency admissions or discharges and emergency care of residents;

...i) notification of next of kin, attending physician or responsible agency of any transfer or discharge;

Such information shall contain no less than the following:

...vi. bed-hold policy and readmission in accordance with section 19.18.1 c) herein.
Section 26.0 Special Care Units - Alzheimer and Other Dementia Special Care Units or Programs:

26.1.2 The facility shall provide care and services as described in the disclosure form, and consistent with the rules and regulations herein. The information disclosed shall explain the additional care provided in each of the following areas:

...b) Pre-Admission, Admission and Discharge - The process and criteria for placement (which shall include a diagnosis of dementia), transfer or discharge from the unit.