



Navigating the New Discharge Process for Nursing Home Residents

Cona Elder Law PLLC

Nursing home reform laws have been passed in the New York State legislature and more are on the way as our state government responds to the COVID-19 pandemic. The new laws, currently awaiting the Governor's signature, will significantly impact skilled nursing facility administration and operations.

New Skilled Nursing Facility Transfer and Discharge Procedures: What You Need to Know

- **Clinical Record Requirements:** Documentation of the basis for a resident's transfer or discharge from the Skilled Nursing Facility (SNF) and, if applicable, documentation as to why the resident's needs could not be met in the facility, must be made in the clinical record.
- **Advance Notice of Discharge/Transfer:** A family member, if known, will need to be notified in advance of an involuntary discharge, and, if requested, in advance of a resident's voluntary discharge.
- **Written Consent:** Prior to initiating a discharge of a resident to the home of another individual, such as a family member, SNFs must secure written consent from the resident and the other individual, and that person must receive and acknowledge a comprehensive discharge plan to address the resident's needs.
- **Best Efforts:** SNFs will be required to use "best efforts" to secure an appropriate placement or residential arrangement for a resident that is not "temporary house assistance" (such as a shelter or hotel).

Effectuating the discharge of a nursing home resident can be a complicated and difficult process and it is important to maintain compliance with all newly enacted and existing regulations to preserve residents' rights and insulate the facility from liability.

We offer creative solutions to ensure the discharge process goes smoothly and that any and all ancillary concerns, such as nonpayment and resident safety, are fully addressed.

The experienced attorneys at Cona Elder Law can assist you in managing this process. Call us for your free **virtual** “Best Practices” webinar for Leading Age members. Contact Christina Pecoraro at 631.390.5000 or cpecoraro@conalaw.com to schedule one today.

Cona Elder Law PLLC is an award-winning Elder Law and Health Care Law firm. In practice for over two decades, Cona Elder Law offers unsurpassed expertise in Health Care Facility Reimbursement and Recovery, Elder Law, litigation and collections. Health care facilities turn to Cona Elder Law for innovative strategies and cutting-edge solutions regarding complex Medicaid eligibility matters, Guardianship proceedings, PRUCOL matters, collections, litigation, and other matters related to resident financial accounts and the facility’s bottom line. Representing over 200 skilled nursing facilities, CCRCs and assisted living facilities throughout New York and New Jersey, Cona Elder Law is a preeminent law firm in this practice area. The firm has been ranked the #1 Elder Law Firm by *Long Island Business News* for eight consecutive years and received the Business Achievement Award from the Hauppauge Industrial Association (HIA-LI). For additional information, visit www.conaelderlaw.com.

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