

# Resident Discharge and Transfer

## Discharge and Transfer Requirements for Long Term Care Facilities

Long-term care facilities must follow federal and state requirements when transferring or discharging a resident. Facilities may not discharge a resident unless the discharge meets allowable criteria and procedural safeguards under applicable regulations.

Facilities are responsible for ensuring compliance with all relevant authorities, including but not limited to the following:

### *Federal Requirements*

- [42 C.F.R. Part 483](#) — Medicare and Medicaid long-term care facility requirements
- [42 C.F.R. § 483.15](#) — Nursing facility transfer and discharge requirements
- [42 C.F.R. § 431.220\(a\)\(2\)](#) — Medicaid fair hearing rights
- Centers for Medicare & Medicaid Services (CMS), [State Operations Manual, Appendix PP – Guidance to Surveyors for Long-Term Care Facilities](#)

### *State of Alaska Requirements*

- [7 AAC 12.770](#) — Medical Records Services (see specifically requirements pertaining to discharge plan)
- [7 AAC 12.890](#)—Rights of patients, clients, and residents (see specifically requirements pertaining to discharge plan)
- [7 AAC 140.540](#) — Transfer of recipients
- [7 AAC 140.545](#) — Discharge of recipients and hearing rights
- [7 AAC 49](#) — Administrative hearing procedures

*NOTE: The authorities listed above are provided as resources and may not include all requirements that apply in a particular situation. Facilities remain responsible for complying with all applicable federal and state laws and regulations.*

## Required Elements of a Discharge or Transfer Notice

When proposing a transfer or discharge, a long term care facility must provide written notice that includes, at minimum:

1. **Reason for the proposed transfer or discharge.** Required by 42 C.F.R. § 483.15(c)(5)(i).
2. **Effective date of the transfer or discharge.** Required by 42 C.F.R. § 483.15(c)(5)(ii).
3. **Location of transfer or discharge.** Required by 42 C.F.R. § 483.15(c)(5)(iii).
4. **Appeal and fair hearing rights:** Include a statement explaining the resident's right to appeal and how to request a fair hearing, including the name, mailing and email addresses, and telephone number of the office designated by the Department of Health to receive Medicaid fair hearing requests. Required by [42 C.F.R. § 483.15\(c\)\(5\)\(iv\)](#); 7 AAC 140.540(c); and 7 AAC 140.545(b).
5. **Alaska Long Term Care Ombudsman contact information:** Provide the mailing address, email address, and telephone number for the [Alaska Long Term Care Ombudsman](#). Required by 42 C.F.R. § 483.15(c)(5)(v).
6. **Disability Law Center of Alaska contact information:** For residents with mental, intellectual, or developmental disabilities, provide the mailing address, email address, and telephone number for the [Disability Law Center of Alaska](#), the agency responsible for protection and advocacy for individuals with a mental disorder under the Protection and Advocacy for Mentally Ill Individuals Act and protection and advocacy of individuals with developmental disabilities established under Part C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000. Required by [42 C.F.R. § 483.15\(c\)\(5\)\(vi\)-\(vii\)](#).
7. **Accessible language requirement:** Provide the notice in a language and manner the resident understands. Required by 42 C.F.R. § 483.15(c)(3)(i).
8. **Required recipients:** Deliver a copy of the written notice to the resident; the resident's representative, family member, or guardian if applicable; the Alaska Long Term Care Ombudsman; the resident's attending physician; the [Division of Health Care Services \(HCS\)](#); and the [Division of Senior and Disabilities Services \(SDS\)](#). Required by 42 C.F.R. § 483.15(c)(3)(i); 7 AAC 140.540(b); 7 AAC 140.545(a).
9. **Advance notice timelines:** Provide at least 30 days' advance written notice unless a permitted exception applies, and ensure the timeline allows the resident to exercise fair hearing rights, typically at least 10 days before the effective date. Required by 42 C.F.R. § 483.15(c)(4); 7 AAC 140.540(b); 7 AAC 140.545(a).
10. **Changes to the notice:** If any information changes before the transfer or discharge occurs, update all recipients as soon as practicable. Required by 42 C.F.R. § 483.15(c)(6).

## Resident Appeal and Fair Hearing Rights in Event of Discharge

Residents may request a fair hearing to appeal certain discharge decisions. Facilities must:

- Inform residents of their hearing rights
- Provide required documentation
- Cooperate with the hearing process when requested

A discharge may be reviewed through the Office of Administrative Hearings when a resident requests a fair hearing under applicable Medicaid regulations.

The facility may not transfer or discharge the resident while the appeal is pending, unless the failure to discharge or transfer would endanger the health or safety of the resident or other individuals in the facility. The facility must document the danger that failure to transfer or discharge would pose. See [42 CFR 483.15\(c\)\(1\)\(ii\)](#).

## Coordination with Licensing and Certification

Compliance concerns regarding facility discharge practices may be reviewed by the Department of Health's [Health Facilities Licensing and Certification unit](#). These reviews are separate from individual resident appeals and may result in licensing or enforcement actions where warranted.

## Coordination with Alaska Medicaid

The department may withhold Medicaid payment to a nursing facility if the facility fails to comply with discharge and transfer requirements. See [7 AAC 140.540\(d\)](#) and [7 AAC 140.545\(c\)](#).

## Resources

- [Alaska Long Term Care Ombudsman](#)
- [Alaska Long Term Care Ombudsman Complaint Form](#)

## Contacts

- [Health Facilities Licensing and Certification Unit](#)  
Email: [doh.hflc.info@alaska.gov](mailto:doh.hflc.info@alaska.gov)  
Phone Numbers: 907-334-2483, 888-387-9387