INDIANA LONG-TERM CARE Ombudsman PROGRAM

IHCA Regulatory Roundup
August 14, 2025

Transfers, Discharges, and NOTDs from the LTCOP Perspective

Overview of CMS QSO-25-14-NH re: Transfers and Discharges

- Purpose: Strengthen resident rights, modernize surveyor guidance, clarify provider responsibilities
- Key Changes for Nursing Homes:
  - New F-tags
  - Expanded requirement for Ombudsman notice.

Why This Matters: for Nursing Homes

- Surveyor focus: Detailed compliance expectations; risk of higher-level citations
- Resident protection: Increased oversight on unsafe or inappropriate discharges.
- Provider risk:
  - Citations and penalties for non-compliance
  - More visibility from Ombudsman involvement

F627 & F628 in Practice (Nursing Homes)

- F627 – Criteria:
  - Six allowable reasons; must be documented and justified
- F628 – Process:
  - Notice to resident, representative, and Ombudsman for every discharge.
  - 30-day notice except in specific exceptions, e.g., urgent safety risk, improved health, payment issues.
- Surveyors will expect:
  - Documentation in the medical records.
  - Copies of all notices with proof of delivery.

Nursing Home Resident Rights

- Residents have the right to remain in the facility **unless** one of the six allowable reasons for discharge is met.
- Notice requirements
  - Written notice to resident, representative, and now the LTC Ombudsman for ***all*** discharges.
  - Notice must include reason, effective date, location, appeal rights, Ombudsman contact information
- Residents can appeal and remain in place during the appeal.

Non-Compliance Examples (Nursing Homes)

- Discharging a resident because their needs are “too great” without evidence that the facility attempted reasonable accommodations.
- Sending a resident to the hospital and refusing readmission without a proper notice of transfer/discharge.
- Nonpayment discharge when Medicaid is pending.
- Vague notices stating, “unable to meet needs” without specific details.
- Failing to provide notice to the resident, representative, and the Ombudsman.

Critical Change: Notice to LTCOP (Nursing Homes)

- Before:
  - Ombudsman notified for “facility-initiated” discharges only
- Now:
  - All discharge notices (including resident-requested and acute hospital transfers) must be sent to the Ombudsman.
- This change ensures:
  - Ombudsman oversight in all discharge circumstances.
  - Opportunity to intervene early when resident rights are at risk.

Action Steps for Nursing Home Compliance

- Update policies to reflect “all notices” requirement.
- Train staff in admissions, nursing, and social services.
- Implement a tracking log for all discharges.
- Audit recent discharges for compliance.
- Communicate Ombudsman contact information to residents and families.

Transfers & Discharges (Assisted Living)

- AL residents also have protections for safe, appropriate transfers and discharges.
- Notice requirements:
  - Written 30-day notice using SF 49669 (NOTD) and SF 49831 Request for Hearing, and a copy of your bed hold to resident, representative, and LTC Ombudsman. A copy of a letter sent to the resident and representatives will not suffice.
- Discharges should be the last resort after reasonable accommodations are attempted.

Action Steps for AL Facilities

- Review state regulations (410 IAC 16.2-5-1.2(r)(1-5) and (10-13))
- Provide notice to Ombudsman (state regulations require this even if not federally required).
- Document specific reasons and alternatives considered.
- Maintain written relocation plans and policies.
- Train staff on proper communication and notice timelines.

Take-Home Messages

- For Nursing Homes:
  - Federal requirement (QSO-25-14-NH) – All discharge notices must go to the Ombudsman.
- For Assisted Living Facilities:
  - Stronger adherence to state transfer/discharge protections; Ombudsman notice is best practice.
- Early Ombudsman involvement can prevent resident rights violations and unsafe discharges.

Acute Emergency Transfers

- Acute emergency transfers can be submitted on a monthly list through the portal.
- **Make sure your facility name is on the document you submit**.
- Information on acute emergency transfers should be submitted to my Office in a monthly list that includes resident's names, dates of transfer, facilities to which residents are transferred, and reasons for the transfer.
- If you're running a monthly report from EMR to submit to the Ombudsman, please include the reason for the residents' transfers.

Using the Secure Portal

- Open a web browser and navigate to: https://in-ombudsman-pff.peerplace.com/.
- Complete the web page, entering your data into the applicable fields.
- IMPORTANT: Please don't uncheck the box if you are facility staff submitting a monthly report or a NOTD.
- Make sure your facility name is on the document.
- **Please do NOT send face sheets, progress notes, MARs/TARs, copies of SS cards, insurance information, burial permits, or death certificates. And no artwork from your kids or your dog.**

Remember…

- NOTDs must be sent to the Ombudsman as soon as practicable before the date of transfer or discharge when: 1) the safety or health of individuals in the facility would be endangered, 2) the resident's health improves sufficiently to allow a more immediate transfer or discharge, 3) an immediate transfer or discharge is required by the resident's urgent medical needs, and 4) a resident has not resided in the facility for 30 days.
  - This includes residents who object from being discharged from Medicare and wish to stay in the facility (SOM, Appendix PP)
- Please pay attention to your file-naming convention for the documents you submit through the portal. Always include your facility's name.
  - For NOTDs, include facility name, initials of the resident, and date of discharge, e.g., NOTD_ABCfacility_8-2-25
  - For monthly acute transfer lists, use your facility name, month, and year, e.g., ATD_ABCfacility_8-2025
  - Do not include special characters in your file name.

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Thank you!