

3701-61-02

Right to challenge transfer or discharge.

(A) A home may transfer or discharge a resident, in the absence of a request from the resident, only for the following reasons:

- (1) The resident's health has improved sufficiently so that the resident no longer needs the services provided by the home;
- (2) The welfare and needs of the resident cannot be met in the home;
- (3) The resident has failed, after receiving reasonable and appropriate notice, to pay or to have the medicare or medicaid program pay on the resident's behalf, for the care provided by the home. A resident shall not be considered to have failed to have the resident's care paid for if the resident has applied for medicaid, unless both of the following are the case:
 - (a) The resident's application, or a substantially similar previous application, has been denied by the county department of job and family services;
 - (b) If the resident appealed the denial pursuant to division (C) of section 5101.35 of the Revised Code, the director of job and family services has upheld the denial;
- (4) The home's license has been revoked under Chapter 3721. of the Revised Code;
- (5) The home is being closed pursuant to section 3721.08, sections 5111.35 to 5111.62 or section 5155.31 of the Revised Code, or the home otherwise ceases to operate;
- (6) The resident is a recipient of medicaid and the home's participation in the medicaid program is involuntarily terminated or denied;
- (7) The resident is a beneficiary under the medicare program and the home's participation in the medicare program is involuntarily terminated or denied;
- (8) The safety of individuals in the home is endangered;
- (9) The health of individuals in the home would otherwise be endangered.

(B) Pursuant to division (D) of section 3721.16 of the Revised Code, and paragraph ~~(D)~~(E) of rule 3701-61-03 of the Administrative Code a resident or resident's sponsor may challenge a transfer or discharge by requesting an impartial hearing

unless the transfer or discharge is required because of one of the reasons specified in paragraphs (A)(4) to (A)(7) of this rule.

Effective:

R.C. 119.032 review dates: 05/21/2012

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 3721.11
Rule Amplifies: 3721.13, 3721.16
Prior Effective Dates: 10/12/1979, 10/14/99, 3/20/05