

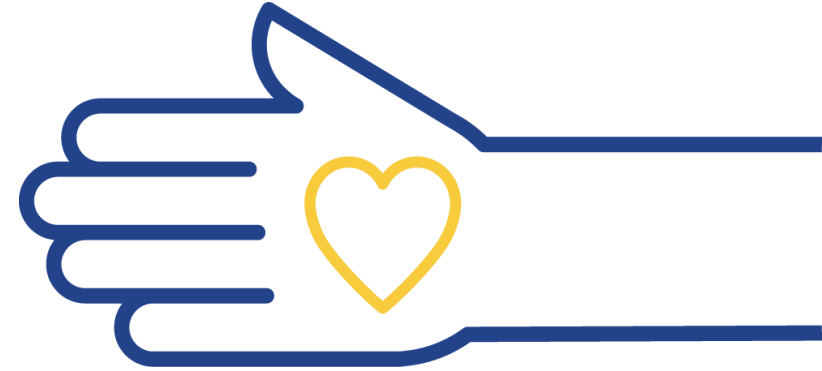


CONNECTICUT



Aging and Disability Services

Long Term Care Ombudsman Program



Transfers and Discharges

CMS QSO-25-14-NH & LTCOP Portal Updates

Agenda

- Background of the State and Federal Discharge Notification to Ombudsman Requirements
- CMS Updates to Discharge Requirements QSO-25-14
- LTCOP Portal Updates
- Q&A

Background / Guidance

Involuntary Discharge Notice Requirements are Outlined by

1. Federal Regulations 483.15(c)(3)
 - a) QSO-25-14-NH (March 2025) / State Operations Manual
2. State Statutes 19a-535 and 19a-537

“Transfer and Discharge”

- **Transfer**

- Refers to the movement of a resident from a bed in one facility to a bed in another facility when the **resident expects to return to the original facility.**

- **Discharge**

- Refers to the movement of a resident from a bed in one certified facility to a bed in another facility or other location in the community, when **return to the original facility is not expected**

*Revised Long-Term Care (LTC) Surveyor Guidance:
Significant revisions to enhance quality and oversight of the
LTC survey process (QSO-25-14-NH) p 196*

Federal Regulations 483.15(c)(3)

42 CFR 483.15(c)(3)

- ***Notice before transfer.*** Before a facility transfers or discharges a resident, the facility must
 - Notify the resident and the resident's representative(s) of the transfer or discharge and the reasons for the move in writing and in a language and manner they understand. **The facility must send a copy of the notice to a representative of the Office of the State Long-Term Care Ombudsman**

§483.15(c)(3) Intent

The intent of sending copies of the notice to a representative of the Office of the State LTC Ombudsman is to provide added protection to residents from being inappropriately transferred or discharged, provide residents with access to an advocate who can inform them of their options and rights, and to ensure that the Office of the State LTC Ombudsman is aware of facility practices and activities related to transfers and discharges. The facility must maintain evidence that the notice was sent to the Ombudsman. While Ombudsman Programs vary from state to state, facilities should know the process for ombudsman notification in their state.

Discharge Notice Timing Requirements

42 CFR 483.15(c)(4)(i)

Timing of Discharge Notices

- Notice to the Office of the State LTC Ombudsman must occur at the same time the notice of discharge is provided to the resident and resident representative.
- 30 Days in Advance Unless Exceptions Apply

*Revised Long-Term Care (LTC) Surveyor Guidance:
Significant revisions to enhance quality and oversight of the
LTC survey process ([QSO-25-14-NH](#)) p 215*

Timing of Emergency Transfer Notices Vs Discharge Notices

Emergency Transfers Vs Discharge Notices

- When a resident is temporarily transferred on an emergency basis to an acute care facility, notice of the transfer may be provided to the resident and resident representative as soon as practicable, according to 42 CFR 483.15(c)(4)(ii)(D).
- Copies of notices for emergency transfers must also still be sent to the ombudsman, but they may be sent when practicable, such as in a list of residents on a **monthly basis...** QSO-25-14-NH

*Revised Long-Term Care (LTC) Surveyor Guidance:
Significant revisions to enhance quality and oversight of the
LTC survey process (QSO-25-14-NH) p 215*

Public Act 22-57

- Sec. 9. Section 19a-535 of the 2022 supplement to the general statutes is amended by adding subsection (k) as follows (Effective July 1, 2022):
- (NEW) (k) A facility shall electronically report each involuntary transfer or discharge to the State Ombudsman, appointed pursuant to section 17a-405, (1) **in a manner prescribed by the State Ombudsman, and (2) on an Internet web site portal maintained by the State Ombudsman** in accordance with patient privacy provisions of the Health Insurance Portability and Accountability Act of 1996, P.L. 104- 191, as amended from time to time.
- (NEW) (e) Not later than six months after the effective date of this section, a facility shall electronically report each involuntary transfer or discharge (1) **in a manner prescribed by the State Ombudsman, appointed pursuant to section 17a-405, and (2) on an Internet web site portal maintained by the State Ombudsman** in accordance with patient privacy provisions of the Health Insurance Portability and Accountability Act of 1996, P.L. 104-191, as amended from time to time.

19a-535
Public Act 22-57

Public Act 23-48

- Sec. 1. Section 1. Subsection (c) of section 19a-535 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

(NEW) (c)(1) Before effecting any transfer or discharge of a resident from the facility, the facility shall notify, in writing...**(an affirmation by the facility that notice of the proposed transfer or discharge has been provided to the State Long-Term Care Ombudsman, in accordance with the provisions of subdivision (3))**

(3) On the date that the facility provides notice of a proposed involuntary transfer or discharge of a resident pursuant to the provisions of subdivision (1) of this subsection, the facility shall notify the State Ombudsman, appointed pursuant to section 17a-870, in a manner prescribed by the State Ombudsman, of such proposed involuntary transfer or discharge. Failure to provide notice to the State Ombudsman pursuant to the provisions of this subdivision shall invalidate any notice of the proposed involuntary transfer or discharge of a resident submitted pursuant to the provisions of subdivision (1) of this subsection.

19a-535

Public Act 23-48

Right to Return from Emergency Transfers

- Emergency Transfers to Acute Care When residents are sent emergently to an acute care setting, **these scenarios are considered transfers, NOT discharges**, because the resident's return is generally expected.
- Residents who are sent emergently to an acute care setting, such as a hospital, **must be permitted to return to the facility**. In a situation where the facility discharges the resident while he or she is in the hospital following emergency transfer, the facility must have evidence that the resident's status at the time the resident seeks to return to the facility (not at the time the resident was transferred for acute care) meets one of the criteria at §483.15(c)(1)(i)(A) through (D).
- Additionally, the resident has the **right to return to the facility pending an appeal of the discharge** unless the return would endanger the health or safety of the resident or other individuals in the facility. T

*Revised Long-Term Care (LTC) Surveyor Guidance:
Significant revisions to enhance quality and oversight of the
LTC survey process (QSO-25-14-NH) p 201*

QSO-25-14NH

What's New?

CMS Memorandum qso-25-14-nh March 10th, 2025

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
7500 Security Boulevard, Mail Stop C2-21-16
Baltimore, Maryland 21244-1850



Center for Clinical Standards and Quality/Quality, Safety & Oversight Group

Ref: **QSO-25-14-NH**

DATE: March 10, 2025

TO: State Survey Agency Directors

FROM: Directors, Quality, Safety & Oversight Group (QSOG) and Survey & Operations Group (SOG)

SUBJECT: **REVISED:** Revised Long-Term Care (LTC) Surveyor Guidance: Significant revisions to enhance quality and oversight of the LTC survey process

Memo Revision Information:

Revisions to: QSO-25-12-NH

Original release date: January 16, 2025

Memorandum Summary

Revised Surveyor Guidance: CMS is releasing the following revised guidance for nursing home surveyors:

- Admission, Transfer & Discharge, Chemical Restraints/Unnecessary Psychotropic Medication, Resident Assessment, Nursing Services, Payroll Based Journal, Quality of Life and Quality of Care, Administration, Quality Assurance Performance Improvement (QAPI), Infection Prevention and Control, and other areas.
- Clarifications and technical corrections have also been made throughout Appendix PP.

Associated Training and Resources:

- Training on this guidance will be available upon release of this memorandum for surveyors and providers.
- Advance copy of the Critical Element Pathways are attached to this memo.
- Advanced copy of Appendix PP is attached to this memo.
- Revised Survey Resources will be posted on **April 28, 2025**.

Effective Date: **Revised to move implementation from March 24, 2025 to April 28, 2025.**

Surveyors will begin using this guidance to determine compliance with requirements on surveys beginning **April 28, 2025**. This allows ample time for surveyors and nursing home providers to be trained on this new information.

Added revised guidance and training for Nursing Services and Payroll Based Journal to the updates for Appendix PP and the Long-Term Care Survey Process and revised the effective date of implementation for all new guidance to **April 28, 2025**.

QSO-25-14NH What's New? (cont)

- To reduce the overlap of citations, improve clarity, and make it easier for surveyors to identify noncompliance, CMS is deleting Tags F622 – F626, and F660 – F661 **and removing the terms “facility-initiated” and “resident-initiated.”** The guidance from the deleted Tags has been reorganized, with revisions added to clarify when a transfer or discharge is noncompliant. The new citations are F627 for Inappropriate Transfers and Discharges and F628 for Transfer and Discharge Process.
- This is a break from previous interpretation outlined in Final Rule and Guidance (See CMS Memorandum May 12th, 2017)

Context – “Facility Initiated” vs “Resident Initiated”

Facility-Initiated Transfers and Discharges

- In situations where **the facility** has decided to discharge the resident
 - The copy of the notice to the ombudsman must be sent at the same time notice is provided to the resident and resident

Resident-Initiated Transfers and Discharges

- Means **the resident** or, if appropriate, **the resident representative** has provided verbal or written notice of intent to leave the facility.
 - For resident-initiated transfers or discharges, sending a copy of the notice to the ombudsman is not required.

So What are the Expectations Now?

- **All Discharges & Transfers Must Now Be Submitted**

- *Discharges*: Upload to the portal **when issued** to the resident.
- *Transfers*: Upload **monthly in batches**.
- Facilities **no longer have to decide** which notices to send based on initiation type.

- **Portal Updates to Support Clarity & Ease of Use**

- Verbiage Changes
 - (e.g. “Involuntary Discharge Notification” -> “discharge notification”)
- Improved workflow & faster credentialing

Portal Updates Demo



Questions?



Resources

- [ADSPortal – Login](#)