

# Proper Discharges of Residents of **PERSONAL CARE HOMES**

## 111-8-62-.28 Immediate Transfer of Residents

1. The administrator or on-site manager of the home must initiate immediate transfer if the resident develops a physical or mental condition requiring continuous medical care or nursing care or if a resident's continuing behavior or condition directly and substantially threatens the health, safety and welfare of the resident or any other resident.
2. In the event such immediate transfer is required, the administrator or on-site manager of the home must advise both the resident and the resident's representative or legal surrogate and case manager, if any, and immediate arrangements must be made based on the written admission agreement to transfer such resident to an appropriate facility. The administrator or on-site manager must document in the resident's file the reasons for the transfer.
3. Where immediate transfer is to be made pursuant to paragraphs (1) and (2), the administrator or on-site manager must make arrangements for transfer in accordance with the admission agreement and shall transfer the resident to an appropriate facility where the resident's needs can be met. Prior to making such transfer, the administrator or on-site manager must:
  - (a) Inform the resident and representative or legal surrogate and case manager, if any, of the reason for the immediate transfer.
  - (b) Inquire as to any preference of the resident and representative or legal surrogate, if any, regarding the facility to which the resident is to be transferred.
  - (c) Inform the representative or legal surrogate, if any, of the resident's choice regarding such transfer.
  - (d) Inform the resident and the representative or legal surrogate, if any, of the place to which the resident is to be transferred.
  - (e) Provide a copy of the resident file to the receiving facility within 24 hours of transfer.
  - (f) Document in the resident's file the following:
    - The reason for the immediate transfer.
    - The manner in which the resident and the representative or legal surrogate, if any, were informed pursuant to this paragraph.
    - The name, address, and telephone number of the place to which the resident is to be transferred or discharged.
4. Upon immediate transfer of the resident, the home must refund to the resident or representative or legal surrogate, if applicable, any security deposit made to the home by or on behalf of the resident in compliance with the O.C.G.A. §§ 44-7-30 et seq. Authority: O.C.G.A. §§ 31-2-7, 31-7-2.1 and 44-7-30 et seq.

1. The administrator or on-site manager must contact the representative or legal surrogate, if any, when there is need for discharge or transfer of a resident. The home must provide 30 days' written notice of its intent to discharge or transfer the resident unless an immediate transfer is required. The written notice must be issued to both the resident and the representative or legal surrogate, if any.
2. In all cases, except those requiring immediate transfer pursuant to Rule 111-8-62-.28, residents whose needs cannot be met by the home or who no longer choose to live in the home must be discharged or transferred to an appropriate facility based on discharge and transfer procedures entered into at the time of admission. Where the residents is incapable of making informed decisions and there is no representative or legal surrogate or the representative or legal surrogate is unwilling to act, the administrator or on-site manager must petition the probate court in the county where the home is located for an order authorizing the discharge or transfer. The transferring home must provide a copy of the resident's file to the receiving facility prior to or at the time of transfer.
3. Where the Department has reason to believe that a resident is receiving or requires continuous medical or nursing care, the Department may require the home to discharge the resident. However, the provision of medical, nursing or health services required by the resident on a periodic basis or for a short-term illness, where such services are not provided by the home is permissible.
4. Upon discharge or transfer of the resident, the home must refund to the resident or representative or legal surrogate, if any, any security deposit made to the home by or on behalf of the resident in compliance with § O.C.G.A. 31-2-7, 31-7-2.1 and 44-7-30 et seq.

### **Notes:**

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## Resources

Rules of Department of Community Health; Healthcare Facility Regulation

[http://dch.georgia.gov/sites/dch.georgia.gov/files/related\\_files/document/111-8-62\\_Final\\_December-2012-for\\_web.pdf](http://dch.georgia.gov/sites/dch.georgia.gov/files/related_files/document/111-8-62_Final_December-2012-for_web.pdf)

## About Athens Community Council on Aging

Founded in 1967 by local citizens, the Athens Community Council on Aging (ACCA), a non-profit 501(c)3 organization, aims to maintain and enrich the lives of older persons in the 12 counties of Northeast Georgia.

ACCA's programs enable older persons to live independently at home and offer opportunities for employment, volunteerism, and other activities. ACCA is a resource for education, information, referral, counseling, and general assistance.

## ACCA's Mission:

To promote a lifetime of wellness through engagement, advocacy, education & support.

## About ACCA's Long-Term Care Ombudsman Program

ACCA's Long-Term Care Ombudsman Program advocates for the rights of nursing home and personal care home residents, provides educational opportunities, and investigates and resolves complaints in long-term care facilities.



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