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Chapter 411@ DEPARTMENT OF HUMAN SERVICES, AGING AND PEOPLE WITH DISABILITIES AND DEVELOPMENTAL DISABILITIES

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Division 88@ NURSING FACILITIES/LICENSING - TRANSFERS

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Section 411-088-0060@ Right to Readmission

411-088-0060 Right to Readmission

(1)

Any person transferred from a facility voluntarily or involuntarily shall have the right of readmission to the facility from which the person was transferred, provided that: (a) A request for readmission is made within 180 days of the date of transfer; (b) The person is eligible by means of payment and requires nursing facility care; and (c) No determination was made at informal conference or hearing that the person does not have the right of readmission.

(a)

A request for readmission is made within 180 days of the date of transfer;

(b)

The person is eligible by means of payment and requires nursing facility care; and

(c)

No determination was made at informal conference or hearing that the person does not have the right of readmission.

(2)

Section (1) of this rule does not require a facility to accept a person in a bed located in a room which is occupied by a resident of the opposite sex at the time of the request. EXCEPTION: A facility is required to accept a person to a room occupied by a resident of the opposite sex if the respective resident previously shared a room in the facility and if neither resident objects to the admission.

(3)

Section (1) of this rule does not require a facility to accept a person who voluntarily transferred from the facility directly to another nursing facility.

(4)

If a person or his or her legal representative request readmission, and the facility denies readmission, then the facility shall give written notice (SDS 0510).

(5)

A former resident who receives Medicaid does not have the right to be readmitted to a facility which is not Medicaid certified unless reimbursement is available pursuant to OAR 411-070-0010.

(6)

If more than one person has a right of readmission, priority in allocation of vacancies shall be determined by the earliest date of application for readmission.

(7)

A person whose stay in the facility totals 30 or fewer days and was transferred pursuant to OAR 411-088-0070(1)(d) (post-hospital extended care services or specialized services) may not have a right of readmission.