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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 411-088-0050@ Right to Return from Hospital

411-088-0050 Right to Return from Hospital

(1)

If a resident is transferred to a hospital, the facility may not fill the resident's bed with another person if the resident or the resident's legal representative offers payment, or reimbursement is available from the Department, for the period of the hospital stay. If payment or reimbursement is offered or available, from or on behalf of the resident, the Department, or a combination thereof, or if the facility has not complied in full with section (2) of this rule, the resident shall have the right of return to his or her bed immediately after the period of hospital stay.

(2)

The Administrator, or his or her designee, is responsible for notifying the resident or legal representative and any agency responsible for the welfare or support of the resident of the option to offer payment to hold the bed prior to filling the bed with another person. This notification shall be documented in the resident's record by either the resident's or legal representative's written agreement to pay or rejection of the option to pay.

(3)

If the resident is unable, due to physical or mental incapacity, to enter such agreement and there is no legal representative known to the facility, this fact shall be documented in the resident's record and the resident's bed may thereafter be filled upon issuance of the notice (SDS 0510).

(4)

If the resident's bed has been given to another person because payment was not offered, the resident shall have priority for readmission over all other persons with a right to readmission and over any waiting list.

(5)

If a former resident or his or her legal representative requests right of return and the facility denies right of return, then the facility shall give written notice (SDS 0510).

(6)

Persons with right of return have priority over all persons with right of readmission.

(7)

Residents with a right of return are entitled to return to the facility immediately upon discharge from the hospital unless the resident's bed has been filled in compliance with this rule and there is no available bed in the facility.