

§484.50(d) *Standard: Transfer and discharge.*

[...The HHA may only transfer or discharge the patient from the HHA if:]

(5) The HHA determines, under a policy set by the HHA for the purpose of addressing discharge for cause that meets the requirements of paragraphs (d)(5)(i) through (d)(5)(iii) of this section, that the patient's (or other persons in the patient's home) behavior is disruptive, abusive, or uncooperative to the extent that delivery of care to the patient or the ability of the HHA to operate effectively is seriously impaired. The HHA must do the following before it discharges a patient for cause:

Interpretive Guidelines §484.50(d)(5)

“Disruptive, abusive behavior” includes verbal, non-verbal or physical threats, sexual harassment, or any incident in which agency staff feel threatened or unsafe, resulting in a serious impediment to the agency’s ability to operate safely and effectively in the delivery of care.

“Uncooperative” is defined as the patient’s repeated declination of services or persistent obstructive, hostile or contrary attitudes to agency caregivers that are counterproductive to the plan of care.

The HHA must document in the patient's clinical record the behaviors and circumstances that warranted patient discharge for cause as well as the HHA's efforts to resolve the problems.