

**9050.0200 DISCHARGE.**

Subpart 1. **General criteria.** Discharge from a nursing care facility or a boarding care facility constitutes permanent release from that facility operated by the commissioner of veterans affairs and terminates the duties and responsibilities of the commissioner of veterans affairs and the facility staff with respect to the discharged individual. Once discharged, a former resident must reapply for admission to a Minnesota veterans home facility.

Subp. 2. **Types of discharge.** A resident must be discharged from the facility either voluntarily or involuntarily according to items A and B.

A. A discharge is voluntary if there is mutual consent between the resident, the resident's legal representative or spouse, if any, the resident's attending physician, and the administrator of the facility.

B. A discharge is involuntary if it is without mutual consent of the resident, the resident's legal representative who has the legal authority, or spouse, if any, the resident's attending physician, and the administrator of the facility.

Subp. 3. **Grounds for discharge.** Discharge procedures must be instituted with regard to a resident if one of the following grounds or circumstances exist:

A. the resident or resident's legal representative fails or refuses to comply with payment obligations in the admission agreement as provided for in part 9050.0040, subpart 5, item C;

B. the resident or resident's legal representative makes a written request for discharge of the resident;

C. the facility operated by the commissioner of veterans affairs is unable to meet the care needs of the resident, as determined by the utilization review committee according to part 9050.0070, subpart 3 or 4;

D. the resident no longer has a medical need for the services provided by a facility operated by the commissioner of veterans affairs, as determined by the utilization review committee according to part 9050.0070, subpart 3 or 4;

E. the resident's behavior poses an immediate threat to the health or safety of the resident, other residents, or staff of a facility operated by the commissioner of veterans affairs, as determined by the utilization review committee according to part 9050.0070, subpart 3 or 4;

F. the resident is absent without notice from the facility for more than 96 consecutive hours or a definitive arrangement has been made for an absence longer than 96 hours and the resident fails to comply with that arrangement; or

G. the resident or resident's legal representative:

- (1) falsifies or incorrectly represents information on income disclosure and verification forms required in parts 9050.0800 to 9050.0900;
- (2) refuses to provide information or releases; or
- (3) falsifies or incorrectly represents information relating to criteria in part 9050.0070, subpart 3 or 4.

Subp. 4. **Notice of involuntary discharge.** Unless the time for the notice is extended by the administrator of a facility operated by the commissioner of veterans affairs or a situation arises that is outside the facility's control, such as a utilization review, a change in the resident's medical or treatment program, the resident's own or another resident's welfare, or nonpayment of stay, a resident must be notified in writing by the administrator or administrator's designee of the facility of its intent to proceed with involuntary discharge of the resident at least 30 days before the scheduled date of discharge as provided by Minnesota Statutes, section 144.651, subdivision 29. In situations outside the control of the facility operated by the commissioner of veterans affairs, notice of discharge must be given a reasonable time before the discharge. The reasonable time must be determined by the facility administrator or administrator's designee, based upon the particular facts of the situation prompting the discharge.

Subp. 5. **Contents of notice.** The notice must:

- A. state that the discharge is involuntary;
- B. state the grounds for the discharge as specified in subpart 3;
- C. contain documentation supporting the grounds alleged for the discharge; and
- D. state that the resident has the right to appeal the discharge and a description of the appeal procedures.

If the involuntary discharge is immediate, the resident must be provided with a written notice of discharge and information regarding how to appeal the discharge. Any reconsideration hearing may be conducted via telephone if the resident requests it or the parties mutually decide it would be advisable. If a telephone reconsideration hearing is held, the parties must document the resident's consent for the telephone hearing and why the hearing was held via the telephone.

If the resident is to be discharged under subpart 3, item F, a notice of involuntary discharge must be sent to the resident's address, if it is known, or to the resident's last known address and to the address of a person listed by the resident as the person to be contacted during an emergency. The notice of discharge must be signed by the administrator or administrator's designee and sent by certified mail within five working days, following the determination that the resident is absent without notice.

Subp. 6. [Repealed, 28 SR 1251]

**Statutory Authority:** *MS s 198.003*

**History:** *14 SR 2355; 16 SR 1801; 18 SR 2254; 20 SR 2095; 28 SR 1251; L 2008 c 297 art 2 s 29*

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