



MEMORANDUM

SUBJECT: PROCEDURE CLARIFICATION: Required notification to the Office of the State Long Term Care Ombudsman of Transfers and Discharges of Nursing Home Residents.

FROM: Jenna Helminski Juve, State Long Term Care Ombudsman

DATE: October 9, 2026

This Procedure Clarification from the Office of the State Long Term Care Ombudsman addresses federal requirements for nursing homes to provide notice to residents and resident representatives regarding facility-initiated transfers and discharges and to send copies of required transfer and discharge notices to the Office of the State Long Term Care Ombudsman.

Federal nursing home regulations at 42 CFR § 483.15(c)(3)(i) require that before a facility-initiated transfer or discharge, a facility must notify the resident and the resident's representative of the transfer or discharge as well as the reasons for the move in writing, in a language and manner they understand. The facility must also send a copy of the notice to the Office of the State Long Term Care Ombudsman.

Timing of the Notice

Under 42 CFR § 483.15(c)(4), written notice must be provided to the resident and resident representative **at least 30 days** before a facility-initiated transfer or discharge. A copy of the notice must be sent to the Office of the State Long Term Care Ombudsman at the same time the notice is provided to the resident and resident representative.

Exceptions to the 30-day advance notice requirement are outlined in 42 CFR § 483.15(c)(4)(ii). In these circumstances, notice must be provided as soon as practicable before the transfer or discharge:

- The safety of individuals in the facility would be endangered;
- The health of individuals in the facility would be endangered;
- The resident's health improves sufficiently to allow a more immediate transfer or discharge;
- An immediate transfer or discharge is required by the resident's urgent medical needs;
- A resident has not resided in the facility for 30 days.

For temporary emergency transfers to an acute care facility, notice must be provided to the resident and resident representative as soon as practicable in accordance with 42 CFR § 483.15(c)(4)(ii)(D). Copies of these notices must also be provided to the Office of the State Long Term Care Ombudsman but may be submitted when practicable, such as through a monthly list, provided the information meets the notice content requirements outlined below.

If a nursing home subsequently decides to discharge the resident while hospitalized, it must comply with the requirements under 42 CFR § 483.15(c), including providing a copy of the discharge notice to the Office of the State Long Term Care Ombudsman at the same time it is provided to the resident and resident representative.

Contents of the Notice

Under 42 CFR § 483.15(c)(5), the written notice must include:

- The reason for transfer or discharge;
- The effective date of transfer or discharge;
- The location to which the resident is transferred or discharged;
- A statement of the resident's appeal rights, including the name, mailing and email address, and telephone number of the entity which receives such requests (Wisconsin Department of Health Services, Division of Quality Assurance, Bureau of Nursing Home Resident Care regional office), and information on how to obtain an appeal form and assistance in completing the form and submitting the appeal hearing request;
- The name, mailing and email address, and telephone number of the Office of the State Long-Term Care Ombudsman;
- When applicable, contact information for the appropriate Protection and Advocacy agency for individuals with intellectual and developmental disabilities, mental disorders, or related disabilities (Disability Rights Wisconsin).

Changes to the Notice

If information in the notice changes before the transfer or discharge occurs, the facility must update the recipients of the notice as soon as practicable after the updated information becomes available.

Resident-Initiated Transfers and Discharges

A resident-initiated transfer occurs when the resident or, when appropriate, the resident representative provides verbal or written notice of the resident's intent to leave the facility. The resident's medical record should contain documentation or evidence of the resident's or representative's verbal or written notice of intent to leave. A resident's expression of a general desire or goal to return home or to the

community, or the elopement of a resident who is cognitively impaired should not be taken as a notice of intent to leave the facility.

For resident-initiated transfers or discharges, sending a copy of the notice to the Office of the State Long Term Care Ombudsman Program is not required.

Submission to the Ombudsman Program

Nursing homes should send copies of required transfer and discharge notices to the Office the State Long Term Care Ombudsman using the contact information below:

Email: BOALTC@wisconsin.gov

Fax: 608-246-7001

The notice submitted to the Ombudsman Program should be a copy of the actual notice provided to the resident and resident representative.

Receipt of a transfer or discharge notice allows the Ombudsman Program to identify potential concerns, monitor facility practices, and ensure residents have access to an advocate who can provide information about their rights and options. Consistent with the self-directed nature of the Ombudsman Program, receipt of a notice does not necessarily result in Ombudsman intervention. Depending on the circumstances, an Ombudsman may initiate contact or action with the resident, while in other circumstances the Ombudsman may await a request for assistance from the resident or their representative.

Questions regarding this Procedure Clarification or the role of the Long Term Care Ombudsman Program may be directed to the Office or to the Regional Ombudsman serving your area by calling 1-800-815-0015 or emailing boaltc@wisconsin.gov.