

**Indiana Department of Health
Consumer Services and Health Care Regulation
Division of Long Term Care**

**Frequently Asked Questions
Nursing Home Transfer and Discharge Hearings**

Frequently Asked Questions

1. What is a transfer and discharge hearing?

ANSWER: Once an individual is admitted to a nursing home, a nursing home may not transfer or discharge a resident unless certain criteria are met. Regulations identify five criteria when a transfer or discharge may occur. A nursing home must give the resident notice of a transfer or discharge. Once a resident has been given notice of a transfer or discharge, a resident has the right to appeal the facility's decision. The appeal must be filed with the Indiana Department of Health within 10 days of the notice. By appealing the facility's decision to transfer or discharge, a hearing will be scheduled.

2. What happens at the hearing?

ANSWER: A hearing is an informal meeting where both sides are allowed to testify and present evidence to support their position or refute the other side's position. Essentially, each side is allowed to present their side of the issue to the hearing officer who then determines the outcome of the dispute.

3. How do I request a hearing?

ANSWER: The *Notice of Transfer or Discharge* will provide information on how to appeal the notice and will provide a form (State Form 49831) that can be used to request a hearing. To request a hearing, the resident or resident's representative completes State Form 49831 and sends to the Indiana Department of Health.

4. Where will the hearing be conducted?

ANSWER: The hearing will be conducted at the facility where the resident currently resides.

5. When will the hearing be conducted?

ANSWER: The hearing is generally conducted within 20 days of the request for a hearing.

6. Who conducts the hearing?

ANSWER: The hearing is conducted by an Administrative Law Judge appointed by the Indiana Department of Health. The Executive Board of the Indiana Department of Health has appointed several private attorneys to serve as Administrative Law Judges. The Administrative Law Judges are not employees of the Indiana Department of Health or any other state agency. The Administrative Law Judges serve as an independent decision maker.

7. How will I know the results of the hearing?

ANSWER: After the hearing, the Administrative Law Judge will review the evidence presented at the hearing and prepare a written decision. The decision is then provided to the resident and facility.

8. If I disagree with the Administrative Law Judge's decision, may I appeal that decision?

ANSWER: Yes. The written decision will include instructions on how to appeal the decision. Any appeal of the decision goes to Executive Review Panel of the Indiana Department of Health. The Panel consists of two members of the ISDH Executive Board and an Administrative Law Judge (a different judge than the initial hearing judge).

9. Where can I find a copy of the rules and regulations concerning transfer and discharge?

ANSWER: A copy of the rules and regulations as well as other information is included on the ISDH Transfer and Discharge Information Center located online at <https://www.in.gov/health/cshcr/health-care-facility-information-center/resident-transfer-and-discharge-information-center/>.