

VERMONT LEGAL AID

Long Term Care Ombudsman Project

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Senate Committee on Health and Welfare February 22, 2015 S.5/ Notification of Individuals in Hospital Observation Status

The Vermont Ombudsman Projects supports S. 45 with the changes recommended by Trinka Kerr, Chief Health Care Advocate at Vermont Legal Aid.

We believe the bill should require a uniform notice to ensure that:

1. All hospital patients on observation status receive the same information about the consequences observation status will have on their bill related to their hospital stay, regardless of where they are hospitalized;
2. All patients receive the information required under the statute; and
3. Over time, all patients on observation status will continue to receive the required notice.
 - The nursing home rules include specific information that must be included in every transfer and discharge notice.
 - Even though a model notice was developed by Survey and Certification when the rules were first promulgated, that model is no longer used.
 - Overtime, nursing home administrators and social workers change. They develop notices that accommodate their practice but often fail to meet the requirements in the rules.
 - Since January 1, 2015, we have assisted three individuals appeal a nursing home transfer or discharge. In all three cases, the notices did not contain the information required under the rule. And, in all three Survey and Certification found that the facility could not proceed with the transfer or discharge because the notice was not adequate.

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