



MICHIGAN LONG TERM CARE
OMBUDSMAN PROGRAM

Fact Sheet: **Homes for the Aged**

What is a Home for the Aged?

In Michigan, Homes for the Aged (HFAs) are licensed facilities that provide room and board, protection, supervision, assistance and supervised personal care to residents 55 years of age or older.

Are HFAs licensed in Michigan?

Yes, HFAs are licensed and inspected by the State of Michigan. HFAs are inspected every year and during the investigation of a complaint.

What guides the care provided in a HFA?

A licensed HFA must have a written admission contract and service plan for each resident. At the time of admission, a **Resident Admission Contract** between the resident and the HFA must be signed. The contract must specify the services to be provided, the fees to be charged, and the home's policies for admission and continued stay of the resident.

Each resident has an **individualized service plan** that must be developed upon admission based on resident's needs. The resident and his or her authorized representative, if any, shall participate in the development of the service plan. The service plan shall be updated at least annually or if there is a significant change in the resident's care needs. Changes shall be communicated to the resident and his or her authorized representative.

Does Medicaid pay for room and board in an HFA?

No, Medicaid does not pay for room and board in an HFA. Room and board is covered by the resident's personal income. A resident may qualify for the State to pay additional money to cover the cost of personal care services.

What rights do HFA residents have?

HFA residents have the following rights.

- The right to be free from discrimination on the basis of race, religion, color, national origin, sex, age, disability, marital status, or source of payment.
- The right to exercise his or her constitutional rights (and the HFA should encourage and assist in the fullest possible exercise of these rights), including:
 - the right to vote;
 - the right to practice the religion of his or her choice;
 - the right to come and go from the home freely; and
 - the right to spend time with friends and family of the resident's choice.
- The right to independent personal decisions and to be informed of available choices.
- The right to be free from mental and physical abuse.
- The right to be free from physical and chemical restraints, except as authorized by a physician for a specified and limited time or as necessitated by an emergency to protect the resident from injury to self or others.
- The right to send mail at his or her own expense and receive unopened mail on the same day it is received at the HFA.
- The right of reasonable access to private use of a telephone.
- The right to make grievances and recommend changes about the home and be free from restraint, interference, coercion, discrimination or reprisal.
- The right to visit privately with his or her physician, attorney, or any other person.
- The right to meet privately and to share a room with a spouse, unless it is documented that it is not medically appropriate.
- The right to access and use personal clothing and belongings (as space permits).
- The right to get medical, psychiatric, or dental services from the physician, psychiatrist, or dentist of the resident's choice.
- The right to refuse treatment and services, including taking of medication, and to be made aware of the risk of that refusal.
- The right to get adequate and appropriate care and to get information about medical treatment, proposed course of treatment and expected recovery.
- The right to get and review an explanation of his or her bill regardless of the source of payment and the right to request and get information about financial assistance.

Note: The rights of a resident may be limited if the resident has a court appointed guardian.

Each HFA is required to adopt a policy describing the rights and responsibilities of residents admitted to the HFA. Upon a resident's admission, the HFA shall inform the resident and the resident's authorized representative (if any) of these rights and explain them. The HFA shall also explain the home's complaint process.

Can the HFA evict (or discharge) a resident?

The HFA may take action to discharge the resident for the following reasons only:

- Medical reasons;
- His or her welfare or that of other residents; or
- Nonpayment.

A HFA shall provide a resident and his or her authorized representative (if any) and the agency responsible for the resident's placement (if any) with 30 days written notice before discharge from the home. The written notice shall consist of the reason(s) for discharge, the effective date of the discharge, and a statement notifying the resident of the right to file a complaint with the State.

When can an HFA make an Emergency Discharge?

The HFA may make an **emergency discharge** (less than 30 days written notice) when the home has determined and documented:

- Substantial risk to the resident due to the inability of the HFA to meet the resident's needs or assure the safety and well-being of other residents; or
- Substantial risk or an occurrence of self-destructive behavior, serious physical assault, or destruction of property.

In an emergency discharge, the home must notify the resident and the resident's authorized representative (if any). The notice shall be verbally and in writing. The written notice must include the following:

- The reason for the proposed discharge, including the specific nature of the substantial risk;
- The alternatives to discharge that have been attempted by the HFA;
- The location to which the resident will be discharged, if known; and
- The right of the resident to file a complaint with the State.

The HFA must also notify the responsible agency (if any), the Department of Licensing and Regulatory Affairs (LARA), and Adult Protective Services (APS). If any of these agencies do not agree with the emergency discharge, the resident shall not be discharged.

If the responsible agency, LARA and APS agree with the emergency discharge, then both of the following requirements must be met:

- The resident shall not be discharged until an appropriate setting that meets the resident's immediate needs is located.
- The resident shall have the right to file a complaint with the State.

What if there is a concern about care or services?

The HFA should have a complaint process for addressing concerns. If you have a concern, document the steps taken to resolve the concern in writing and put all complaints in writing.

If the issue cannot be resolved with the HFA, contact the Long Term Care Ombudsman program for help by calling **1-866-485-9393**. Ombudsman services are free and confidential.

A complaint can be filed with the State by calling **1-866-856-0126**. Depending on the outcome of the complaint investigation, the State may require the home to prepare a plan of correction or take additional action against the HFA.

Michigan Long Term Care Ombudsman Program

Free and Confidential Help

1-866-485-9393

Email: MLTCOP@meji.org

Website: MLTCOP.org