

CLIENT ALERT: Nursing Home Legal Service Agencies and Community Resources

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By Patrick Formato

On November 16, 2020, the New York State Department of Health (“DOH”) issued a Dear Administrator Letter (“DAL”) to inform nursing home administrators about a new resource guide, “Nursing Home Legal Services Agencies and Community Resources Providing Resident Advocacy Services Guide” (the “Guide”) that provides information to residents about free legal and resident advocacy services.

Section 415.3 of the DOH regulations require nursing homes to provide residents with a written and detailed discharge/transfer notice, which must include specific information regarding a resident’s rights during the discharge process, such as:

- how to appeal a discharge/transfer determination;
- a statement that the resident has the right to be represented by legal counsel, a relative, themselves, a friend or a spokesperson in such appeal; and
- the contact information of the State Long Term Care Ombudsman

Residents who wish to appeal an involuntary discharge from a nursing home may use the Guide to assist them with locating community based agencies that provide free or low-cost legal and advocacy services.

The DAL directs that the Guide be distributed to all residents who receive a notice of involuntary discharge or transfer to effectuate the resident rights set forth in the regulations.

A copy of the Guide as well as the Dear Administrator Letter can be accessed [here](#).

The [healthcare attorneys](#) at Abrams Fensterman, LLP are committed to providing you with the most current and accurate information and guidance. If you have any questions, please contact [Patrick Formato, Esq.](#), [Barbara Stegun Phair, Esq.](#), [Frank A. Mazzagatti, Esq.](#), [Jonathan Rogoff, Esq.](#), or any

other attorney in our health law practice group.