

Jonathan Rosenfeld's Nursing Homes Abuse Blog

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[Disabled Nursing Home Patient 'Dumped' At A Homeless Shelter](#)

Lots of chatter on Twitter over the weekend about Thai Hodges, a disabled woman who was taken to a homeless shelter by the good folks at ManorCare after her funds had apparently dried up. Hodges was admitted to ManorCare for rehabilitation and skilled nursing care after she suffered a stroke and became paralyzed.

The good news about the story (if there really is any) is that Sylvia Negley, the shelter coordinator realized that Hodges was clearly in need of medical care and refused to take her in and sent her back to the nursing home for additional care.

Negley says the transfer of patients from hospital and nursing homes is on the rise. "'Hospital dumps' is what we call them," Negley said. "I've seen people wheeled in here in a wheelchair, placed on a chair and then they take the wheelchair away."

Can nursing homes do this?

If a nursing home accepts Medicare funding (the overwhelming majority of facilities do), then they are obligated to comply with its rules.

Section 483.12(a)(2) Transfer and Discharge Requirements:

The facility must permit each resident to remain in the facility, and not transfer or discharge the resident from the facility unless:

- (i) The transfer or discharge is necessary for the resident's welfare and the resident's needs cannot be met in the facility;
- (ii) The transfer or discharge is appropriate because the resident's health has improved sufficiently so the resident no longer needs the services provided by the facility;
- (iii) The safety of individuals in the facility is endangered;
- (iv) The health of individuals in the facility would otherwise be endangered;

(v) The resident has failed, after reasonable and appropriate notice, to pay for (or to have paid under Medicare or Medicaid) a stay at the facility. For a resident who becomes eligible for Medicaid after admission to a nursing facility, the nursing facility may charge a resident only allowable charges under Medicaid; or

(vi) The facility ceases to operate.

In this case, it sounds as though ManorCare acted recklessly in discharging a disabled patient who obviously needed skilled nursing care. However, in cases where a medical condition is less acute, it may be within the facilities rights. As we see the nursing home population grow and additional economic pressure put on these facilities, I'll bet we see more situations such as this in the future.

Read more about the dumping of a Florida nursing home patient [here](#).