

9050.0100 TRANSFER.

Subpart 1. **Generally.** A resident may be transferred from a facility operated by the commissioner of veterans affairs to another health care facility or rehabilitation program or detoxification program if:

- A. ordered or recommended by the attending physician or the utilization review committee as part of the resident's individual care plan;
- B. requested by the resident or the resident's legal representative, if any; or
- C. an emergency situation exists.

A resident may be transferred only with the resident's consent or the consent of the legal representative, if any, except in an emergency when obtaining consent before transfer is not possible. A resident who refuses consent for transfer to another health care facility or rehabilitation program or detoxification program on recommendation of the attending physician or the utilization review committee, or both, may be subject to discharge for noncompliance with the resident's individual care plan. The utilization review committee's decision to recommend discharge of a resident for refusing consent for transfer is limited by the Patient's Bill of Rights established in Minnesota Statutes, section 144.651, and must be based on the facility's ability to meet the person's care needs as determined by the criteria in part 9050.0070, subparts 3 and 4. A resident transferred from another facility back to the facility operated by the commissioner of veterans affairs does not need to reapply for admission.

Subp. 2. **Notice.** Unless a situation occurs that is outside the control of the facility operated by the commissioner of veterans affairs, such as a utilization review, the accommodation of newly admitted residents, a change in the resident's medical or treatment program, or the resident's own or another resident's welfare, a resident for whom the utilization review committee or the attending physician recommends a transfer must be notified of the recommendation at least:

- A. 30 days before the anticipated transfer date, if to a facility or program not operated by the commissioner of veterans affairs, according to Minnesota Statutes, section 144.651, subdivision 29;
- B. seven days before the anticipated transfer to another bed or level of care within the same facility operated by the commissioner of veterans affairs, or to another facility operated by the commissioner of veterans affairs located at the same campus, according to Minnesota Statutes, section 144.651, subdivision 29; or
- C. a reasonable time before the anticipated transfer in situations outside the control of the facility operated by the commissioner of veterans affairs. The reasonable time must be determined by the facility administrator or designee, based upon the particular facts of the situation prompting the transfer.

Subp. 3. **Mechanisms of effecting transfer.** A transfer must be effected in the manner applicable to a voluntary discharge in part 9050.0210. The party recommending or requesting transfer shall arrange for transportation for the resident to the new facility or location.

Subp. 4. **Transfers to United States Department of Veterans Affairs Medical Center.** The facility operated by the commissioner of veterans affairs must not guarantee access or admission to or treatment at the United States Department of Veterans Affairs Medical Center, nor does residence at a facility operated by the commissioner of veterans affairs grant residents preference with regard to access, admissions, or treatment at the United States Department of Veterans Affairs Medical Center. If the United States Department of Veterans Affairs Medical Center agrees to accept the resident and has an available bed, the resident must be transferred to that facility. If the United States Department of Veterans Affairs Medical Center denies the resident treatment or admission, the resident must be transferred to a hospital or other health care facility that is able to provide the appropriate service. The Minnesota veterans home facility, the Minnesota Department of Veterans Affairs, or the state of Minnesota are not responsible for the costs of a resident's hospitalization or treatment at a facility that is not a facility operated by the commissioner of veterans affairs.

Subp. 5. **Appeals.** A resident may appeal a transfer decision that is not based on an emergency. Appeal is to be taken in the same manner as appeal of discharge under part 9050.0220.

Statutory Authority: *MS s 198.003*

History: *14 SR 2355; 16 SR 1801; L 2008 c 297 art 2 s 29*

Published Electronically: *October 15, 2008*