



# Assisted living facility transfers report

State of Utah  
Division of Customer Experience  
10/1/2024

To: Health and Human Services Interim Committee  
From: Utah State Long-Term Care Ombudsman (LTCO) program director  
Subject: Assisted living facility transfers annual report

## Purpose

UCA [26B-2-309\(3\)](#) requires the State Long-Term Care Ombudsman to submit an annual report to the HHS Interim Committee. This report must detail why assisted living facilities discharge residents, where residents go after discharge, and the types and frequency of complaints about discharges received by the LTCO.

## Executive summary

For SFY 2024, of the 148 discharge interviews, 26% of residents interviewed reported concerns with the facility and the discharge process. Of the reported concerns, 15% requested additional assistance from the LTCO. Reported concerns included staff behavior, coordination of care with outside providers, discharge planning or placement, lack of staff training, resident rights, and quality of care. All concerns were addressed by the LTCO.

Throughout the state, we saw a 38% increase in assisted living facility discharges from last year. In addition, we continue to see an increase in secure memory care units discharging residents with dementia for displaying behaviors<sup>1</sup> consistent with dementia. We have also noted an increase in the number of assisted living facilities discharging clients participating in the New Choices Waiver program. The facilities are reporting to us that this is due to the established rate of reimbursement set by Medicaid.

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<sup>1</sup> Reported behaviors include clients swearing, making verbal threats, slapping, pinching, or throwing objects.

## Potential legislative action or follow-up

The LTCO has identified two areas that may be addressed with or without legislative action:

1. Increasing discharges due to “behavioral” reasons. While we are seeing this trend increasing we are not aware of the root cause. This could be due to increasing client behaviors, lack of staff, lack of staff training, facility liability or numerous other concerns. This is an area that should be explored further.
2. Clients do not have appeal rights. Residents continue to be discharged without the ability to dispute the reasons for discharge in a court of competent jurisdiction. Potential legislative action could create an appeal process allowing residents to dispute a discharge. Such an appeal process would align Utah with the federal Home and Community Based Services Settings rule while protecting the most vulnerable of assisted living residents. Other states have created similar appeal processes to align with federal regulations.

The LTCO is exploring the option of working with industry and community partners to resolve these concerns. If that can be accomplished legislative action may not be necessary.

## Primary report

The following table describes the reasons for discharge as reported during resident interviews completed between July 1, 2023 and June 30, 2024. Please note that some residents were discharged due to multiple reasons.

<b>Reason for discharge<sup>2</sup></b>	<b># of discharges</b>
Health or safety threat to self or others	22
Resident noncompliance with rules	19
Failure to pay	17
Level of care was not appropriate for resident	41
Facility cannot meet the needs of the resident	16
Facility closure <sup>3</sup>	37
<b>Total number discharge reasons identified in the interviews</b>	<b>152</b>

In March 2024, the LTCO started tracking the outcome of ombudsman involvement with assisted living discharges. The following table reflects how ombudsman involvement affected the discharge

<sup>2</sup> A resident may have multiple reasons for discharge.

<sup>3</sup> Facility closures could be a facility initiated or as a result of the licensing action.

situations. Ombudsman involvement may have led to multiple interventions.

<b>Discharge outcome based on Ombudsman involvement</b>	<b>Number of discharges impacted</b>
Discharge stopped	1
Discharge delayed	1
Discharge location became more safe or appropriate	0
Discharge process followed regulations	4
No change to discharge plan	7
<b>Total number of discharges impacted by ombudsman involvement</b>	<b>13</b>

The following table details the types of locations residents were discharged to between July 1, 2023 and June 30, 2024. Please note, 6 discharges were rescinded, resulting in the residents remaining in the original facility. In March 2024, the LTCO adjusted the process used to record discharge locations to eliminate the possibility of recording an “unknown” location. However, for the majority of SFY24, if the discharge location was not known at the time the interview took place, it was recorded as “unknown.”

<b>Type of location where individuals were discharged</b>	<b>Number of individuals discharged to this location</b>
Another assisted living facility	71
Other/unknown location (including acute care settings)	30
Nursing home	31
None (discharge was rescinded and the individual stayed at the original facility)	6
Family member’s home	4
Resident’s own home/apartment/independent living	3
Hotel/homeless shelter	1
Passed away prior to discharge	2
<b>Total discharges</b>	<b>148</b>

The LTCO continues to refine its process for tracking discharges and the ultimate outcomes for those discharged. In addition to the reported tracking, starting in SFY25, the program will track whether assisted living facilities granted residents the right to an informal conference to discuss the discharge and whether the facility provided a copy of the discharge notice to the LTCO manager.