



*Empower Seniors. Change Communities.*

## **Nursing Home Resident Right: Planning for Community Living**

### **You Have the Right to Return to the Community**

- Every resident in a nursing home who wishes to live in the community has a right to do so.
- General rule: nursing homes have an obligation to help you return to the community if that is what you want.
- While there are limitations if you present very complex care needs or require professional services; it is your right.
- If you feel trapped or believe your nursing home provider is not making referrals to community residential programs on your behalf, you should contact your local ombudsman and request assistance with this process.
- Your right to live in the community is supported by the Centers for Medicare and Medicaid Services and has been defined by the United States Supreme Court.
  - You are not alone and have the right to discuss community living arrangements!

### **Where do I begin?**

- If you are currently living in a nursing home, reach out to your social worker to talk about your options.
- Nursing homes have an obligation to help you achieve your highest quality of life.
  - This includes appropriate discharge planning to help you live in the community.
- If you are not satisfied with your nursing home provider or you believe efforts are not being made to help you achieve community living, call your local ombudsman program.

The above is for informational purposes only and does not constitute an attorney-client relationship, nor is it legal advice.

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## **Resources to Assist in Your Return to the Community**

### *NYS Long-Term Care Ombudsman Program:*

- Advocates for residents by investigating and resolving their complaints, and helps initiate discussions between residents and their nursing care providers to help residents achieve their goals.
- Your local ombudsman will meet with you, discuss your goals, and communicate with care providers to ensure proper discharge planning takes place.
- The Long-Term Care Ombudsman Program serving Cattaraugus, Chautauqua, Erie and Niagara counties can be called directly at: (716) 817-9222.
  - For other counties and additional information:
    - Contact: 1-855-582-6769
    - <https://www.ltombudsman.ny.gov/>

### *Open Doors Transition Center:*

- A grant funded initiative to help residents in long-term care facilities return to the community.
- Anyone can submit a referral by calling WNY Independent Living at: (716) 836-0822. This includes you and your family members, or your nursing home provider.
- Referral forms can be accessed online via:  
<https://ilny.us/phocadownload/48%20Open%20Doors%20referral%20form%202-9-19.pdf>

### *NY Connects*

- Provides one stop access to individuals of all ages seeking assistance with learning about and accessing long term services and supports.
- Provides options counseling to help you make informed choices about what services and supports will meet your needs and preferences.
- Can link you to available long term services and supports.
- Every county has a NY Connects program:
  - Cattaraugus: (716) 373-8032
  - Chautauqua: (716) 753-4582
  - Erie: (716) 858-8526
  - Niagara: (716) 438-3030
  - All other counties: 1-800-342-9871; <https://www.nyconnects.ny.gov/>



### *Olmstead Housing Subsidy Program:*

- A rental subsidy program that helps Medicaid recipients transition away from institutions and into community placements.
- This program helps participants who: require nursing home level care; have spent at least one hundred and twenty (120) consecutive days in a nursing home over the most recent two-year period; and could live safely in the community. WNY Independent Living helps coordinate this program.
- Referrals can be made by calling WNY Independent Living at: (716) 836-0822. Forms are available via <https://ilny.us/phocadownload/OHS/OHS%20Referral%20Form.pdf>

### *Community Alternative Systems Agency:*

- Is staffed by the Erie County Department of Social Services and helps determine the need for long-term care placements and develops care plans for individuals in Erie County to help them remain independent and integrated in the community. Referrals can be made by calling: **(716) 858-2323**.

## **Common Questions and Answers**

**Q:** *What if the facility will not help me?*

**A:** Your nursing home has legal obligations to help coordinate community living for you. If they fail to discuss community discharge planning with you may:

- Contact the Long Term Care Ombudsman Program;
- Reach out to one of the above listed resources;
- File a complaint with the NYS Department of Health:
  - 1-888-201-4563
  - In writing:  
[https://apps.health.ny.gov/nursing\\_homes/complaint\\_form/complain.action](https://apps.health.ny.gov/nursing_homes/complaint_form/complain.action)

**Q:** *If I need a wheelchair or other assistance, do I have to stay in a nursing home?*

**A:** No. You cannot be disqualified from community living just because you need a wheelchair. Care services and other accommodations can be arranged, depending on your care needs.



Q: *How will I pay for an apartment or community living arrangement?*

A: Your social worker can review your SSI and other sources of income. Depending on your individual status, there are many programs in place to help fund these arrangements, including furniture.

Q: *Will apartments or other types of homes such as Family-Type Homes accept SSI?*

A: Some will; some will not. Your nursing home social worker or a representative from the above listed resources should be able to obtain information to know what arrangements are available and what funding is accepted.

Q: *What if I am having issues with Medicaid or other insurance refusing to cover potential services in the community?*

A: The Center for Elder Law & Justice may be able to help. Please call our office at (716) 853-3087 for assistance.