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Last week I wrote about the violation to the Georgia BILL OF RIGHTS FOR RESIDENTS OF LONG-TERM CARE FACILITIES when a nursing home dumps a resident because Medicare stops paying for skilled rehabilitation. So, you've caught the nursing home in the act. What can you do about it to assure that your client is not wrongfully discharged?

1. You can file a grievance. The complaint is filed with the nursing home administrator. The facility is required to try to resolve the complaint within three business days. O.C.G.A. § 31-8-124(b).
2. If that does not work, you can file a complaint with the community ombudsman. O.C.G.A. § 31-8-124(c). To find the community ombudsman go to www.GeorgiaOmbudsman.org/location.
3. If the problem is not resolved with the help of the ombudsman within 10 days, you can submit the grievance to an impartial referee chosen jointly by the facility and you. The referee will hold a hearing at the nursing home within 14 days. Within 72 hours after the hearing, the referee will render a decision. This decision is binding unless reversed on appeal. O.C.G.A. § 31-8-124(e).
4. If you are not satisfied with the decision of the referee, you can request a hearing from the Department of Human Resources. O.C.G.A. § 31-8-125. The hearing will take place within 45 days of filing the request. If DHR finds that a violation has occurred, it can order the facility to correct the violation. If the nursing home fails to do so, DHR can prohibit the nursing home from admitting residents until the violation is corrected. O.C.G.A. § 31-8-126(b)(1). In the case of repeated violations, DHR may also impose a civil penalty up to \$75 per violation per day not to exceed \$2,500 per violation. O.C.G.A. § 31-8-126(b)(2).
5. Finally, you may bring a civil action for damages against the facility. O.C.G.A. § 31-8-126(a).

If you keep these rules in mind, I think you will be able to keep your client from being wrongfully discharged.

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