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## ELDER LAW MINUTE

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The WALL STREET JOURNAL published an article last month entitled *To be Old, Frail and Evicted: Patients at Risk*. In it, the paper reported that patient advocates are experiencing an upswing in the number of involuntary discharges from nursing homes. The most vulnerable subjects seem to be those who are on Medicaid.

The U.S. Administration on Aging statistics indicate that the number of complaints about nursing home discharges has doubled from 1996 to 2006. The reason for the increase in unwanted discharges appears to be financial. The Medicare and Medicaid reimbursement rates vary from state to state and facility to facility but it is not unusual in Georgia for Medicare to pay over \$400 per day, while Medicaid might pay only \$135 per day for the same bed. The nursing home industry reports that the total Medicaid reimbursement in this country falls \$4.4 billion short of actual costs.

While the industry has a strong financial incentive to discharge Medicaid residents and to replace them with more profitable Medicare patients coming out of hospitals, the Federal and State governments protect nursing home residents from unwarranted discharges. See ELDER LAW MINUTE March 25, 2008. Unfortunately, many residents are unaware of their rights and have nobody to advocate for them. If you know of someone who is being forced out by their nursing home, I will be happy to assist them in asserting their rights.

Thanks to Cindy Mott, RN, MPA, CLTC, of LTC Compass for forwarding this article to my attention.

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